



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2019

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.8213 of 2019

and

WMP(MD)No.6450 of 2019

M.Sundaramahalingam

... Petitioner

Vs.

Tamil Nadu Public Service Commission,
Rep by its Secretary,
Park Town, VOC Nagar,
Chennai-600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the non-selection of the petitioner to the post of Assistant Director of Horticulture and Horticulture Officer during the Certificate Verification held on 18/03/2019 as illegal and consequently for a direction, directing the respondent to rectify the error in the petitioners online application by way of entering the correct date of birth of the petitioner as 15/03/1992 instead of 15/11/1992 and consider the petitioner in the SC Category and appoint the petitioner in the post of Assistant Director of Horticulture and Horticulture Officer if otherwise found eligible within the time period stipulated by this Court.

For Petitioner :Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondent :Mr.D.Siva Raman

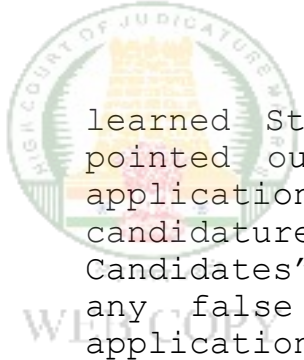
ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a candidate who applied in response to the recruitment notification issued by the respondent Commission for filling up of the vacancies in the post of Assistant Director of Horticulture and Horticulture Officer for the year 2018. The writ petitioner was issued with a hall ticket and he came out successful in the written examination. However, the petitioner was not called for interview for the post of Assistant Director. The petitioner's candidature was rejected since his date of birth was wrongly given as 15.03.1992 instead of 15.11.1992 during certificate verification.

<https://hcservices.ecourts.gov.in/hcservices/>

3.When the matter was taken up for hearing, Mr.D.Sivaraman, the



learned Standing Counsel appearing for the respondent Commission pointed out that any error in entering the particulars in the application form will lead to automatic rejection of the candidature. He drew my attention to the "Instructions to the Candidates" which is enclosed in the Information Brochure that if any false or erroneous particulars have been entered in the application, the application itself is liable to be rejected.

4.It is also pointed out that the writ petitioner has not followed the terms set out in the Information Brochure. The learned standing counsel further pointed out that the interview for the post of Assistant Director of Horticulture is already over. He however admitted that the interview for the post of Horticulture Officer is yet to be conducted and that it is scheduled to commence tomorrow.

5.Vide order dated 10.02.2018 in W.P.(MD)No.3212 of 2018, this Court had given relief to the writ petitioner therein in the following manner :

"Though the objections raised by the learned standing counsel for the respondent are well founded, this Court is inclined to follow the decision rendered by a learned Judge of this Court in respect of the very same recruitment process in W.P.No.2031 of 2018 dated 06.02.2018. In the said writ petition also, the candidate concerned had erroneously entered the date of birth in the online application. However, following the unreported decision of the Delhi High Court in **Arkshit Kapoor Vs. Union of India and others (W.P.(C) No.3721 of 2017 dated 31.07.2017)**, the lapse was condoned. In the present case also, the mistake is obviously inadvertent, not intended to get any gain or advantage. Therefore, following the order dated 06.02.2018 made in W.P.No.2031 of 2018, this Court directs the respondent to consider the candidature of the petitioner and also permit him to take part in the interview."

6.In this view of the matter, this Court directs the respondent to permit the writ petitioner to attend the interview for the post of Horticulture Officer that is scheduled to commence tomorrow (10.05.2019). The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar/vacation
Officer

// True Copy //



To
The Secretary,
Tamil Nadu Public Service Commission,
Park Town, VOC Nagar,
Chennai-600 003.

+1cc to Mr.D.SIVARAMAN, Advocate, SR.No. 65673
+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No. 65557

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