



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.13302 of 2019

and

W.M.P. (MD) Nos.9904 and 9905 of 2019

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N.R.Ravanth

... Petitioner

-Vs-

1.The Deputy Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai-600 003.

2.The Under Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai-600 003.

3.The Principal Secretary,
Public Works Department (PWD),
Secretariat, Fort St. George,
Chennai.

... Respondents

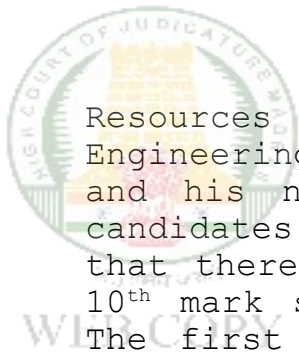
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first respondent in Memorandum No.1255/OTD-H2/2018, dated 03.06.2019 and quash the same and consequently, direct the respondents to issue appointment order to the petitioner for the post of Assistant Engineer (Civil) in Water Resources Department in Public Works Department in Tamil Nadu Engineering Services.

For Petitioner	: Mr.R.Gowrishankar
For R1 and R2	: Mr.K.K.Senthil
For R3	: Mr.C.M.Mari Chellaiah Prabhu, Additional Government Pleader.

ORDER

This Writ Petition is filed to quash the order of the first respondent dated 03.06.2019 and to direct the respondents to issue appointment order to the petitioner for the post of Assistant Engineer (Civil) in Water Resources Department in Public Works Department in Tamil Nadu Engineering Services.

2.According to the petitioner, he is M.E. Graduate in Structural Engineering and belongs to Scheduled Caste Community. He has participated in the selection conducted by the respondents 1 and 2 for appointment to the post of Assistant Engineer (Civil) in Water

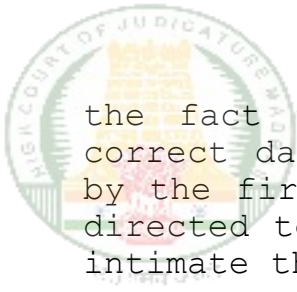


Resources Department in Public Works Department in Tamil Nadu Engineering Services. He was successful in the selection process and his name was included in the provisional list of selected candidates. At the time of certificate verification, it was found that there is a discrepancy in the date of birth mentioned in the 10th mark sheet and 12th mark sheet, B.E., and M.E., certificates. The first respondent directed the petitioner to get his date of birth corrected in 10th mark statement as 10.12.1994 as mentioned in 12th mark sheet, B.E., and M.E., certificates. When the petitioner has approached the Controller of Examination for correction of his date of birth as 10.12.1994 in 10th mark sheet, the petitioner was directed to get the date of birth corrected in 12th mark sheet, B.E., and M.E., certificates, as his correct date of birth is 10.06.1994. The petitioner got the date of birth corrected in 12th mark sheet, B.E., and M.E., certificates and produced the same to the first respondent. At that time, the first respondent directed the petitioner to produce birth certificate. As he did not have birth certificate, he has produced the transfer certificate from L.K.G., to 5th standard to show his date of birth as 10.06.1994. The officials of the respondents 1 and 2 also satisfied with the same and informed the petitioner that he will get appointment order. Contrary to the said assurance, the first respondent, by the impugned order dated 03.06.2019, has rejected his online application and cancelled his provisional selection. Against the said order, the present Writ Petition is filed.

3.The learned counsel appearing for the petitioner contended that the mistake in mentioning the incorrect date of birth is not a reason for rejecting the selection of the petitioner by the first respondent. This issue has already been considered by this Court in W.P.(MD)No.3212 of 2018, wherein it has been held that mentioning a wrong date of birth will not disentitle a person from getting appointment. The petitioner has relied upon various orders passed by this Court, which were annexed in the typed set of papers filed by the petitioner.

4.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 and 2, the learned Additional Government Pleader appearing for the third respondent and perused the materials available on record carefully.

5.From the materials on record, it is seen that the petitioner has corrected his date of birth in 12th mark sheet, B.E., and M.E., certificates. Once the petitioner has produced a document with his date of birth, the first respondent is not entitled to reject the online application and cancel the provisional selection. In the orders relied upon by the learned counsel appearing for the petitioner, this Court held that even if wrong date of birth is mentioned in online application, the same cannot be the reason for rejecting the application and cancelling the selection. In view of



the fact that the petitioner has produced certificates with his correct date of birth, the impugned order dated 03.06.2019, passed by the first respondent is set aside. The respondents 1 and 2 are directed to select the petitioner as Assistant Engineer (Civil) and intimate the same to the third respondent forthwith.

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6. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Principal Secretary,
Public Works Department (PWD),
Secretariat, Fort St. George,
Chennai.

2. The Under Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai-600 003.

+1 CC to M/s.K.K.SENTHIL, Advocate SR-94150.

+1 CC to M/s.R.GOWRISHANKAR, Advocate SR-94191.

+1 CC to SPL GP SR-94235.

W.P. (MD) No.13302 of 2019

23.10.2019

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