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W.A.(MD)No.1136 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2019

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THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A. (MD)No.1136 of 2019

and

C.M.P. (MD)No.10070 of 2019

A.Anisha

... Appellant/Petitioner

Vs.

1.The Secretary,

Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-600 003.

2.The Controller of the Examination,

Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-600 003.

... Respondents/Respondents

Prayer :Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.23803 of 2018 dated 10.01.2019.

Prayer in WP(MD). 23803/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Nil dated Nil (Published in the official website of TNPSC on 26.11.2018) and quash the same as illegal in so far as the non inclusion of the petitioners Register Number (100168202) is concerned and consequently to direct the respondent to consider the petitioner for appointment to the posts of Junior Assistant/ Field Surveyor/Draftsman/Village Administrative Officer included in Combined Civil Services Examination - IV (Group-IV) for the years 2015-2016, 2016-2017 and 2017-2018 taking into consideration of the marks secured by the petitioner.

For Appellant

: Mr.Mohammed Imran
for M/s Ajmal Associates

For Respondents

: Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.D.Sivaraman



JUDGMENT

ம.தூரையாமி [Judgment of the Court was delivered by **M.DURAISWAMY, J.**]

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Challenging the order passed in W.P.(MD)No.23803 of 2018, the writ petitioner has filed the above writ appeal.

2. The appellant filed the writ petition to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the first respondent in his proceedings dated Nil (published in the official website of TNPSC on 26.11.2018) and to quash the same insofar as non-inclusion of the petitioner's Register Number 100168202 is concerned and consequently to direct the respondents to consider the petitioner for appointment to the posts of Junior Assistant / Field Surveyor / Draftsman / Village Administrative Officer included in Combined Civil Services Examination - IV (Group-IV) for the years 2015-2016, 2016-2017 and 2017-2018 taking into consideration of the marks secured by the petitioner.

3. It is the case of the petitioner that she applied for Group-IV posts pursuant to the notification issued by the Tamil Nadu Public Service Commission (TNPSC) on 14.11.2017 and secured 244.50 marks. It is the further case of the petitioner that though she had obtained the required cut off marks, she was not called for certificate verification. The apparent reason, according to the petitioner is that she had claimed appointment under the category of PSTM ie., Persons Studied in Tamil Medium had not uploaded her certificates within the time prescribed by the Commission. The petitioner relied upon Clause 10 of the memo dated 27.08.2018 issued by the Commission which provides for correction given in the online application.

4. The petitioner contended that the mistakes committed by her are inadvertent errors and for the said errors, her application should not have been rejected.

5. The relevant instructions issued to the candidates by the TNPSC reads as follows:

" 6. iv) The claims of the applicants with regard to the date of birth, educational/ technical qualifications, Community, special qualification like persons studied in Tamil Medium, differently abled, experience, optional subject, language, etc. are accepted only based on the details furnished by them in their applications. The admission of candidature therefore will be provisional and subject to satisfaction of the Commission about their above said

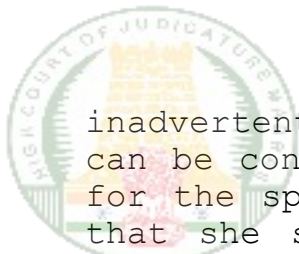


criteria like age, educational / technical qualifications, community etc. Mere admission to the interview or inclusion of name in the list will not confer on the applicants any right for appointment. The candidature is therefore, <http://www.judis.nic.in> provisional at all stages and the Commission reserves the right to reject any candidature at any stage, even after the selection has been made when anything wrong claim or violation is confirmed.

20. a) Applicants should ensure their eligibility for examination. The applicants applying for the examination should go through all instructions carefully and ensure that they fulfill all eligibility conditions for admission to examination. Their admission to all stages of the examination will be purely provisional subject to satisfying of the eligibility conditions. Mere issue of memo of admission to the applicant to written examination/ Certificate Verification/ Oral Test/ Counselling will not imply that his candidature has been fully cleared by the Commission.

22. 14) An applicant admitted to the Written Examination provisionally based on the information furnished by him in the on-line application. If at any stage, the information furnished by him is found to be incorrect and does <http://www.judis.nic.in> not conform to the provisions announced in the Commission's Notification. Instructions to the applicants and other Rules of the Commission in this regard his application will be summarily rejected and provisional selection if any made will also be cancelled. Mere admission to the examination will not confer any right on the candidature. His candidature shall be provisional at all stages and the Commission has the right to reject it at any stage as per the rules and the procedure of the Commission."

6. From the above it is clear that if a candidate gives wrong information or any delay in uploading the documents would result in automatic rejection of the application. When the petitioner had applied for Group-IV posts under PSTM category, subsequently she failed to produce the necessary documents to substantiate that she has studied in Tamil medium. The mistake committed by the petitioner cannot be construed as an inadvertent error. The petitioner had stated about the Tamil in five columns in the online application. If she had committed a typographical error or



inadvertently made some mistake in the online application, the same can be construed as an inadvertent error, but in the case on hand, for the specific queries in the online application, she had stated that she studied in Tamil medium and also given the date of the school certificate and also the name of the Board which conducted the examination. When the reservation of 20% was made in respect of PSTM candidates, one cannot we allow to give false information in the application and get over the same by stating that it is an inadvertent error. When the TNPSC has very clearly stated that if any false information had been provided, the application would be liable for rejection, the said condition cannot be circumvented by stating that it is an inadvertent error. That apart, the selection was made for the period 2017 - 2018.

7. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents submitted that all the posts were filled up and there is no vacancy either in MBC Women category or in MBC Women PSTM category.

8. When the petitioner had deliberately given false information in the online application for Group IV posts, no indulgence can be shown to her. Further she cannot rely upon Clause 10 of the memo dated 27.08.2018 to correct the wrong informations given in the online application. The learned Single Judge, taking into consideration all these aspects, rightly dismissed the writ petition.

9. We do not find any merits in the writ appeal. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-600 003.

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



2.The Controller of the Examination,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-600 003.

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-105644[F] dated
18/12/2019)

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-105764[F] dated 18/12/2019)

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