

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.2086 of 2020
and W.M.P Nos.2434, 2437 of 2020

M.Kiruthiga

..Petitioner

vs.

1. The Chairman,
Tamil Nadu Public Service Commission,
Poonga Nagar,
Chennai 600 003.
 2. The Secretary,
Tamil Nadu Public Service Commission,
Poonga Nagar,
Chennai 600 003.
 3. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Poonga Nagar,
Chennai 600 003
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the impugned annexure to the selection list dated 19.12.2019 on the file of the 3rd respondent herein and quash the same in so far as it relates to the petitioner is concerned and consequently, direct the respondents herein to permit the petitioner to attend the oral interview for the post of Assistant Training Officer (Stenography-English) to be held on 31.01.2020 by accepting the PSTM Certificate.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.M.Loganathan
Standing Counsel for R1 to R3.

O R D E R

This writ petition has been filed to challenging the rejection of the candidature of the petitioner for selection to the post of Assistant Training Officer (Stenography English).

2. The 1st respondent issued a Notification on 19.04.2019, inviting applications to fill up the post of Assistant Training Officer (Stenography English). The

petitioner applied for the said post and she participated in the selection under PSTM category. The petitioner cleared the written examination conducted by the 1st respondent on 22.06.2019. A provisional list was published and the petitioner was called for certificate verification. While uploading the certificates, the petitioner failed to upload the PSTM certificate in the prescribed format. Therefore, the candidature of the petitioner was rejected and the petitioner was informed that her candidature was rejected, since she did not upload the Higher Secondary PSTM Certificate.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not upload the PSTM certificate, due to inadvertence and the petitioner had obtained such a certificate from the concerned school even in the year 2016. The learned counsel submitted that such inadvertent failure should not be put against the petitioner and the petitioner must be permitted to submit the certificate and participate in the further selection process.

4. The learned Standing counsel appearing for the 1st respondent submitted that the notification clearly prescribes under Clause 12(c) that the PSTM certificate should be produced / uploaded by the candidate in the prescribed format that is available in the website. The learned counsel submitted that the petitioner did not upload the PSTM certificate in the prescribed format. The learned counsel further brought to the notice of this Court the provisional list that was published calling the candidates for certificate verification and at Clause 5 of the intimation, it has been stated that failure to upload any of the essential documents, will result in the non-admission to the next stage and rejection of the on-line application. The learned counsel submitted that the candidature of the petitioner cannot be entertained, since she has not uploaded the PSTM certificate in the prescribed format. In order to substantiate his submissions, the learned counsel relied upon the Judgment of the Hon'ble Supreme Court in [The State of Tamil Nadu and others Vs. G.Hemalatha and another] in Civil Appeal No.6669 of 2019, wherein, the Hon'ble Supreme Court has held that the conditions prescribed in the notification will have to be strictly followed and the same cannot be modified / diluted by this Court in exercise of its jurisdiction under Article 226 of Constitution of India.

5. This Court has carefully considered the submissions made on either side and also the materials available on record.

6. The claim made by the petitioner is that she has completed her Higher secondary course through Tamil Medium. In order to substantiate the same, a certificate has been filed before this Court. This certificate has been given by the Head

Master of the concerned school in the year 2016. This certificate could not have uploaded by the petitioner and the petitioner ought to have been uploaded the PSTM certificate in the prescribed format, as per clause 12(c) of the Notification. Therefore, the certificate that has been produced before this court will not in any way enhance the claim made by the petitioner. In view of the dictum of the Hon'ble Supreme Court, which has been referred supra, this Court is not in a position to come to the rescue of the petitioner, since the petitioner has not complied with the mandatory requirement under Clause 12(c) of the notification and the intimation given to her by the 1st respondent on 24.09.2019, where she was specifically informed that failure to upload the essential certificate will result in rejection of the candidature.

8. In view of the above discussion, this Court does not find any ground to interfere with the rejection of the candidature of the petitioner and accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Public Service Commission,
Poonga Nagar,
Chennai 600 003.
2. The Secretary,
Tamil Nadu Public Service Commission,
Poonga Nagar,
Chennai 600 003.
3. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Poonga Nagar,
Chennai 600 003

+1cc to Mr.Govi ganesan , Advocate SR.No. 6944

+1cc to Mr.Loganathan , Advocate SR.No. 7005

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A.SK(26/02/2020)