

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3436 of 2020
and
W.M.P.No.4007 of 2020

Rajarajeswari

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government
School Education Department
Secretariat, Fort St. George, Chennai 600 009

2.The Director of School Education
College Road, DPI Campus
Chennai 600 006

3.The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Maaligai
College Road, Chennai 600 006

...Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue an order of writ of Mandamus, directing the 3rd respondent to consider the petitioner's community certificate No.4406931 (R.Dis 3103/2008) dated 12.09.2008 issued by the Zonal Deputy tahsildar, Tirukoilur along with its Rectification dated on 13.01.2020 and to include the petitioner's name with appropriate ranking under MBC Reservation Category in the Provisional Selection List dated 11.01.2020 published for the post of Computer Instructor pursuant to the Notification No.09/2019 dated 01.03.2019 issued by the 3rd respondent.

For Petitioner : Mr.Babu Rangasamy

For Respondents : Mr.S.Suresh Kumar
Government Advocate for R1 & R2

Mr.C.Munusamy, Spl.G.P. for R3

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the 3rd respondent to take into consideration the community certificate of the petitioner and to permit the petitioner to participate in the selection under the M.B.C. Category.

2.The case of the petitioner is that the 3rd respondent by Notification dated 01.03.2019 invited applications for direct recruitment to the post of Computer Instructors Grade-I (Post Graduate Cadre). The petitioner applied for the said post under M.B.C. Category. The petitioner also appeared for the examination and obtained 84.85 marks. The petitioner was thereafter called for certificate verification. The petitioner appeared before the 3rd respondent on 08.01.2020 and submitted all her original documents. While verifying the certificates, the 3rd respondent found that in the community certificate, the status of the petitioner was wrongly mentioned as Wife of Venkatachalam instead of Daughter of Venkatachalam. On this ground, the 3rd respondent refused to consider the candidature of the petitioner and the petitioner was not allowed to participate in the further process of selection. Aggrieved by same, the present writ petition has been filed before this Court.

3.Mr.Babu Rangasamy, learned counsel appearing on behalf of the petitioner submitted that the petitioner had submitted sufficient documents to show that her father's name is Venkatachalam and by mistake it was mentioned in the community certificate as if it is the name of the husband of the petitioner. The learned counsel further submitted that the petitioner had sought for sometime to get this mistake rectified and ultimately got the mistake rectified by the Tahsildar. In order to substantiate the said submission, the learned counsel brought to the notice of this court the errata issued by the Tahsildar on 13.01.2020. The learned counsel submitted that the petitioner has qualified in every respect and for this accidental mistake, the candidature of the petitioner should not be rejected and the 3rd respondent must be directed to receive the errata issued by the concerned Tahsildar and the appointment of the petitioner must not be denied.

4.The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner has applied under the M.B.C. Quota and therefore the community certificate of the petitioner plays a vital role. In the community certificate, the name of the husband of the petitioner was mentioned as

Venkatachalam. Since this went contrary to the other documents submitted by the petitioner, the 3rd respondent had no other go except to reject the candidature of the petitioner. Therefore, the learned Government Advocate submitted that there are no grounds made out in this writ petition and the same is liable to be dismissed.

5.This Court has carefully considered either side and materials available on record.

6.On a careful scrutiny of all the documents that have been submitted by the petitioner, it is seen that the name of the petitioner's father is Venkatachalam. Even in the online application that was submitted by the petitioner, she had specifically stated her father's name as Venkatachalam. The petitioner was claiming reservation under M.B.C. category. Therefore, the petitioner had to submit the original community certificate issued to her. In the original community certificate, it was found that the petitioner's husband name was mentioned as Venkatachalam. The petitioner on being informed about the same had approached the concerned Tahsildar and the Tahsildar by an errata dated 13.01.2020 had specifically stated that it was an inadvertent mistake and it is clear from the said errata that instead of mentioning as father, it was wrongly mentioned as husband. This errata was also submitted before the 3rd respondent through representations on 20.01.2020 and thereafter on 22.01.2020. In spite of the same, the 3rd respondent was not willing to take into consideration the correct certificate issued by the Tahsildar.

7.The petitioner had qualified herself in all other respects in the selection and for a mistake that was committed in the Revenue Department, the petitioner must not be victimised. The fact that the correct community certificate was issued by the Tahsildar shows that the department itself has accepted the mistake and it has corrected its mistake by giving the corrected certificate to the petitioner. The 3rd respondent should not be rejecting the candidature of the petitioner on for this hyper technical ground.

8.In view of the above, there shall be a direction to the 3rd respondent to take on file the correct / rectified community certificate issued by the Tahsildar on 13.01.2020 and to include the name of the petitioner for the provisional selection list under the M.B.C. Quota if the petitioner has satisfied all the other requirements. This process shall be completed within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh

representation to the 3rd respondent along with the copy of this order.

9.This writ petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government
State of Tamil Nadu
School Education Department
Secretariat, Fort St. George, Chennai 600 009

2.The Director of School Education
College Road, DPI Campus
Chennai 600 006

3.The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Maaligai
College Road, Chennai 600 006

+1cc to Mr.Babu Rangasamy, Advocate Sr.No.14860
+1cc to The Government Pleader, Sr.No.15134

AKM/25.02.2020/4P-6C/

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