

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

WMP Nos.4834,4835&4837/2020 in W.P.No.4087/2020,

WMP No.4827,4829&4830/2020 in W.P.No.4083/2020,

WMP.Nos.5162&5163/2020 in W.P.No.4366/2020,

WMP.Nos.5164&5165/2020 in W.P.No.4367/2020

WMP.Nos.5169&5170/2020 in W.P.No.4372/2020

WMP.Nos.5172&5173/2020 in W.P.No.4377/2020

WMP.Nos.5179&5180/2020 in W.P.No.4382/2020

WMP.Nos.5185&5186/2020 in W.P.No.4390/2020

WMP.Nos.5189&5190/2020 in W.P.No.4393/2020

W.P.No.4436/2020

WMP.Nos.5597&5598/2020 in W.P.No.4738/2020

WMP.No.5747/2020 in W.P.No.4866/2020

WMP.Nos.5730 &5731/2020 in W.P.No.4852/2020

WMP.Nos.4862,4864,4867&4873/2020 in W.P.No.4109/2020

WMP.No.4873/2020 in W.P.No.4114/2020

WP.No.5032/2020

V.RADHAMANI ... PETITIONER in WMP No.4834,4835 & 4837 of 2020
REGN. NO.0606012252
D/O. VEERAPATHIRAN NO.46/2
WEST STREET SANTHIPALAYAM BRAMADESAM
POST ANTHIYUR TALUK ERODE DISTRICT.

M.MANIMARAN ... PETITIONER in WMP Nos.4827,4829 & 4830 of 2020
REGN. NO. 2605018011 S/O. K.MUNIYAN NO.21
ROJA 3RD STREET SELVAVINAYAGAR NAGAR
THACHANALLUR TOWN THIRUNELVELI DISTRICT.

J.VANI ... PETITIONER in WMP Nos.5162 & 5163 of 2020
I. THIRUMALAISWAMY ... PETITIONER in WMP No.5164 & 5165 of 2020
C.SEENUVASAN ... PETITIONER in WMP Nos.5169 & 5170 of 2020
ARULDOSS ... PETITIONER in WMP Nos.5172 & 5173 of 2020
M.VIMALAKUMARI ... PETITIONER in WMP Nos.5179 & 5180 of 2020
S.KESAVA MOORTHY ... PETITIONER in WMP Nos.5185 & 5186 of 2020
K.DEVENDIRAN ... PETITIONER in WMP Nos.5189 & 5190 of 2020
MR.A.VIGNESH ... PETITIONER in WMP Nos.5597 & 5598 of 2020
J.KARTHIK ... PETITIONER in WMP No.5747 of 2020
S.DIVYA LAKSHMI ... PETITIONER in WMP No.5730 & 5731 of 2020
ELAKKIYA ... PETITIONER in WMP No.4862 & 4864 of 2020
VINOTHINI ... PETITIONER in WMP No.4867 & 4873 of 2020

Vs

- 1 THE STATE OF TAMIL NADU ... RESPONDENTS in WMP No.4834 of 2020
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT PERSONNEL AND ADMINISTRATIVE
REFORMS (P AND AR) DEPARTMENT SECRETARIAT
CHENNAI - 600 009
- 2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
PARK TOWN V.O.C.NAGAR CHENNAI - 600 003.

- 1 THE STATE OF TAMIL NADU .. RESPONDENTS in WMP No.4835 of 2020
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT PERSONNEL AND ADMINISTRATIVE
REFORMS (P AND AR) DEPARTMENT SECRETARIAT
CHENNAI - 600 009
- 2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
PARK TOWN V.O.C.NAGAR CHENNAI - 600 003.

- 1 THE STATE OF TAMIL NADU .. RESPONDENTS in WMP No.4837 of 2020
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT PERSONNEL AND ADMINISTRATIVE
REFORMS (P AND AR) DEPARTMENT SECRETARIAT
CHENNAI - 600 009

2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
PARK TOWN V.O.C.NAGAR CHENNAI - 600 003.

1 THE STATE OF TAMIL NADU .. RESPONDENTS in WMP No.4827 of 2020
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT PERSONNEL AND ADMINISTRATIVE
REFORMS (P AND AR) DEPARTMENT SECRETARIAT
CHENNAI - 600 009

2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
PARK TOWN V.O.C.NAGAR CHENNAI - 600 003.

1 THE STATE OF TAMIL NADU .. RESPONDENTS in WMP No.4829 of 2020
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT PERSONNEL AND ADMINISTRATIVE
REFORMS (P AND AR) DEPARTMENT SECRETARIAT
CHENNAI - 600 009

2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
PARK TOWN V.O.C.NAGAR CHENNAI - 600 003.

1 THE STATE OF TAMIL NADU .. RESPONDENTS in WMP No.4830 of 2020
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT PERSONNEL AND ADMINISTRATIVE
REFORMS (P AND AR) DEPARTMENT SECRETARIAT
CHENNAI - 600 009

2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
PARK TOWN V.O.C.NAGAR CHENNAI - 600 003.

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5162 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5163 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5164 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5165 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5169 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5170 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5172 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5173 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5179 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5180 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5185 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5186 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5189 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5190 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE CHAIRMAN ... RESPONDENT in WMP No.5597 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION
T.N.P. S.C. ROAD V.O.C.NAGAR
PARK TOWN CHENNAI - 600 003

2 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
T.N.P.S.C. ROAD V.O.C.NAGAR
PARK TOWN CHENNAI - 600 003.

1 THE CHAIRMAN ... RESPONDENT in WMP No.5598 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION
T.N.P. S.C. ROAD V.O.C.NAGAR
PARK TOWN CHENNAI - 600 003

2 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
T.N.P.S.C. ROAD V.O.C.NAGAR
PARK TOWN CHENNAI - 600 003.

TAMIL NADU PUBLIC SERVICE ... RESPONDENT in WMP No.5747 of 2020
COMMISSION REP BY MEMBER SECRETARY
TNPSR ROAD PARK TOWN CHENNAI 3

THE MEMBER SECRETARY ... RESPONDENT in WMP No.5730 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY .. RESPONDENT in WMP No.5731 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.4862 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.4864 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.4867 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

THE MEMBER SECRETARY ... RESPONDENT in WMP No.4873 of 2020
TAMIL NADU PUBLIC SERVICE COMMISSION FRAZEER
BAZAAR STREET VOC NAGAR PARK TOWN CHENNAI

Petitions praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1) WMP No.4834 of 2020

to dispense with the production of original impugned provisional selection list dated 12.02.2020 issued by the 2nd respondent in respect of posts of Junior Assistant /Field Surveyor/Village Administrative Officer included in Combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019 and 2020.

(2)WMP No.4835 of 2020

to grant an order of interim Stay in all further proceedings of the impugned selection list dated 12.02.2020 published by the 2nd respondent in respect of posts of Junior Assistant /Field Surveyor/Village Administrative Officer included in combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019 and 2020, pending disposal of this Writ Petition.

(3)WMP No.4837 of 2020

to pass an order of Interim Direction, directing the respondents to keep one post of Junior Assistant to the petitioner, pending disposal of the above Writ Petition.

(4)WMP No.4827 of 2020

to dispense with the production of original impugned provisional selection list dated 12.02.2020 issued by the 2nd respondent in respect of posts of Junior Assistant /Field Surveyor/Village Administrative Officer included in Combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019 and 2020.

(5)WMP No.4829 of 2020

to grant an order of interim Stay in all further proceedings of the impugned selection list dated 12.02.2020 published by the 2nd respondent in respect of posts of Junior Assistant /Field Surveyor/Village Administrative Officer included in combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019 and 2020, pending disposal of this Writ Petition.

(6)WMP No.4830 of 2020

to pass an order of Interim Direction, directing the respondents to keep one post of Junior Assistant to the petitioner, pending disposal of the above Writ Petition.

(7)WMP No.5162 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 0703002348 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(8)WMP No.5163 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(9)WMP No.5164 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 0601015019 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(10)WMP No.5165 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(11)WMP No.5169 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 2804006071 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(12)WMP No.5170 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(13)WMP No.5172 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 0145003279 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(14)WMP No.5173 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(15)WMP No.5179 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 0404007086 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(16)WMP No.5180 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(17)WMP No.5185 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 2303005263 to participate in the

counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(18)WMP No.5186 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(19)WMP No.5189 of 2020

To grant interim direction directing the respondent, to permit the petitioner register number 0404015175 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(20)WMP No.5190 of 2020

To direct the respondent to reserve one post for the petitioner as for in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(21)WMP No.5597 of 2020

to pass an order of Stay of recruitment to the post included in combined Civil Service Examination -IV (Group-IV Services) pursuant to the publication of result dated 12.11.2019 as per the Notification Number 19/2019, dated 14.06.2019 by the respondent pending disposal of this Writ Petition.

(22)WMP No.5598 of 2020

to direct the respondents to keep 1 posts included in combined Civil Service Examination-IV (Group-IV Services) vacant till the disposal of the above writ petition.

(23)WMP No.5747 of 2020

To direct the respondent to permit the petitioner to participate in both the counseling for the posts included in the Combined Civil Services Examination-4, Group IV examinations, as per Notification No. 19/2019 dated 14.6.2019, issued by the respondent pending disposal of the writ petition

(24)WMP No.5730 of 2020

To Direct the respondent to reserve one post in Notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(25)WMP No.5731 of 2020

To grant interim direction directing the respondent, to permit the petitioner, register number 0708038058 to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(26)WMP No.4862 of 2020

To direct the respondent to reserve one post in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(27) WMP No.4864 of 2020

To grant interim direction directing the respondent, to permit the petitioner to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019

(28) WMP No.4867 of 2020

To direct the respondent to reserve one post in notification No. 19/2019 dated 14.06.2019 pending disposal of the above writ petition

(29) WMP No.4873 of 2020

To grant interim direction directing the respondent, to permit the petitioner, register No. 1004008348, to participate in the counseling to be held from 19.02.2020 in the respective category with respect to notification No. 19/2019 dated 14.06.2019 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M.R.JOTHIMANIAN, Advocate for the petitioner in WMP.4834, 4835, 4837, 4827, 4829, 4830/2020 and of MR.S.C.VISHWANTH Advocate for the petitioner in WMP. 5162, 5163, 5164, 5165, 5169, 5170, 5172, 5173, 5179, 5180, 5185, 5186, 5189 , 5190, 5730, 5731, 4862, 4864, 4867 & 4873 and of MR.C.UMASHANKAR Advocate for the petitioner in WMP.5597, 5598 and of M/S.ROW AND REDDY Advocate for the petitioner in WMP.5747/2020 and of MS.C.N.G.NIRAIMATHI STANDING COUNSEL for the respondent in all the petitions the court made the following order:-

In all these writ petitions, it is found that the candidature of the petitioners was rejected on a mistake being committed either in uploading a wrong document or filling up some wrong particulars which does not touch upon the qualification and eligibility of the petitioners to participate in the selection. This Court is prima facie satisfied that the reasons assigned by TNPSC for rejecting the candidature are clearly rectifiable and condonable and it should not result in a outright rejection of the candidature. In some of the cases, this Court finds that the concerned candidates have obtained very high marks in the written examination and they have been deprived from participation in the further selection process for small mistakes that has happened in the uploading of documents. It is brought to the notice of this Court that the counseling had already started on 19.02.2020 and it will go up to 17.03.2020. This Court had already allowed two of the petitioners to participate in the counseling on 22.02.2020. In order to ensure that the interest of the petitioners is safeguarded, if they ultimately succeed in the writ petitions, it is necessary that the petitioners are allowed to participate in the counseling. It goes without saying that the same will be subject

to the result of the writ petition.

2. Ms. C.N.G. Niraimathi, learned Standing Counsel appearing on behalf of the TNPSC vehemently opposed the claim made by the petitioners and submitted that the petitioners will have to suffer the consequences for the mistake committed by them in uploading the documents and the same is very clear from the notification issued by TNPSC. The learned Standing Counsel further submitted that the respondents want to file a detailed counter to explain this Court as to why, persons who have committed mistakes in filling up the forms or uploading documents, should not be allowed to further participate in the selection process. The learned Standing Counsel also supported her arguments by relying upon the judgment of the Hon'ble Supreme Court and the Division Bench of this Court. The learned Standing Counsel further submitted that all the petitioners must be considered to be imperfect candidates who have not complied with the conditions of the notification and they should not be allowed to take the place of a perfect candidate who has given all the particulars and uploaded all the documents as provided in the notification.

3. In order to strike a balance and in order to safeguard the rights of the petitioners, the petitioners will have to be permitted to participate in the counseling. Therefore, all the petitioners are directed to participate in the counseling held on 29.02.2020. The participation in the counseling will be subject to the final result in the writ petitions. If any of the petitioner does not participate on 29.02.2020, they will not be allowed to participate in the counseling in any of the future dates. Since this is an interim arrangement, the requirement of the petitioners to participate in the counseling on 29.02.2020, is mandatory.

4. All the WMPs are disposed of with a direction to the TNPSC to permit the petitioners to participate in the counselling to be held on 29.02.2020 and the same will be a subject to the result of the writ petitions. It is made clear that the entitlement of the petitioners will be the subject to the marks that have been secured by the petitioners and as per the rank that has been published by TNPSC.

5. Post all these Writ Petitions for further hearing on 09.03.2020. In the meantime, TNPSC is directed to file its counter.

-sd/-
26/02/2020

/ TRUE COPY /

TO

1 THE PRINCIPAL SECRETARY TO
GOVERNMENT, PERSONNEL AND ADMINISTRATIVE
REFORMS, (P AND AR) DEPARTMENT, SECRETARIAT,
CHENNAI - 600 009

2 THE SECRETARY
THE TAMIL NADU PUBLIC SERVICE COMMISSION,,
PARK TOWN, V.O.C.NAGAR, CHENNAI - 600 003.

3 THE MEMBER SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZEER BAZAAR STREET
VOC NAGAR PARK TOWN CHENNAI

4 THE CHAIRMAN
TAMIL NADU PUBLIC SERVICE COMMISSION
T.N.P. S.C. ROAD V.O.C.NAGAR
PARK TOWN CHENNAI - 600 003

C.C. to M.R.JOTHIMANIAN Advocate on payment of necessary
charges

+9 C.C. to M.R.JOTHIMANIAN Advocate S.R.2521 TO 2529

Order

in
WMP Nos.4834,4835&4837/2020 in W.P.No.4087/2020,

WMP No.4827,4829&4830/2020 in W.P.No.4083/2020,

WMP.Nos.5162&5163/2020 in W.P.No.4366/2020,

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WMP.Nos.5169&5170/2020 in W.P.No.4372/2020

WMP.Nos.5172&5173/2020 in W.P.No.4377/2020

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W.P.No.4436/2020

WMP.Nos.5597&5598/2020 in W.P.No.4738/2020

WMP.No.5747/2020 in W.P.No.4866/2020

WMP.Nos.5730 &5731/2020 in W.P.No.4852/2020

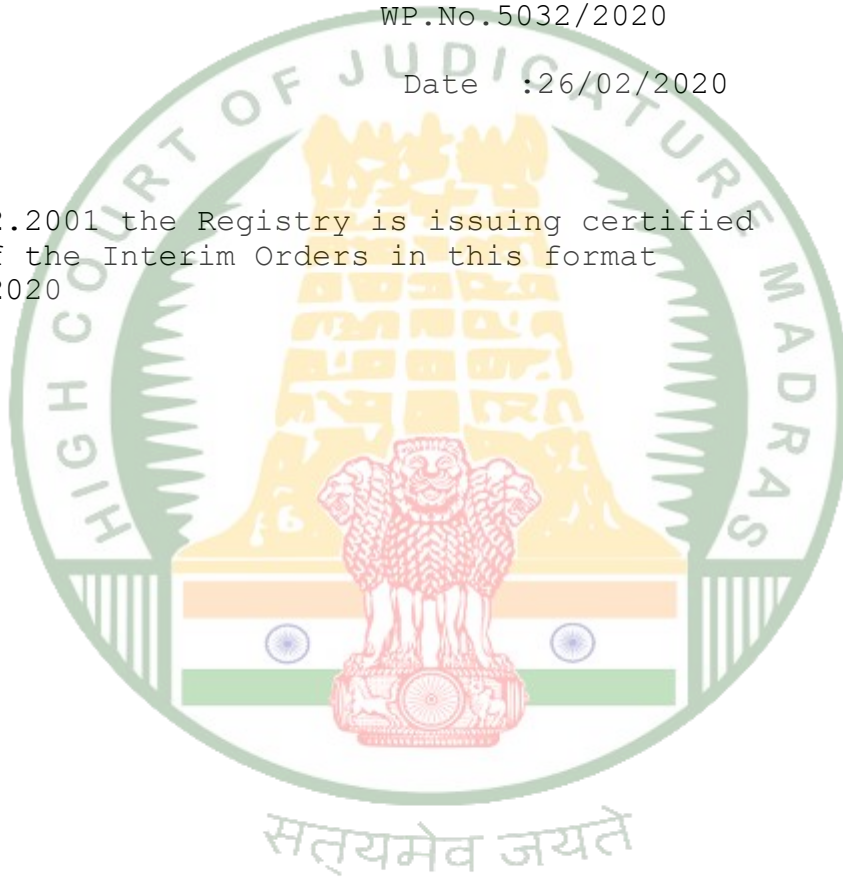
WMP.Nos.4862,4864,4867&4873/2020 in W.P.No.4109/2020

WMP.No.4873/2020 in W.P.No.4114/2020

WP.No.5032/2020

Date :26/02/2020

From 26.2.2001 the Registry is issuing certified
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VS 26.02.2020



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