

W.P.No.7410 of 2020 and
W.M.P.Nos.8872 & 8873 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.7410 of 2020 and
W.M.P.Nos.8872 & 8873 of 2020

E.Indhirani

... Petitioner

-Vs-

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai 600 003.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the candidature of the petitioner to the post of Steno Typist Grade III notified in Notification No.19/2019 dated 14.06.2019 in Combined Civil Services (Group IV) issued by the respondent, based on the petitioner's representation dated 09.03.2020, within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.N.Balamurali Krishnan, SC

ORDER

This writ petition has been filed to direct the respondent to consider the candidature of the petitioner to the post of Steno Typist Grade III notified in Notification No.19/2019 dated 14.06.2019 in Combined Civil Services (Group IV) issued by the respondent, based on the petitioner's representation dated 09.03.2020, within a time frame fixed by this Court.

2. The respondent Commission issued notification on 14.06.2019, inviting applications through online mode for recruitment to the post belonging to Combined Civil Services (Group IV). The petitioner responded to the notification and being eligible for consideration, she was issued with a Hall Ticket. The petitioner having studied in Tamil Medium of Instructions throughout, she has claimed for consideration of her candidature against PSTM Quota. The petitioner participated in the written examination conducted on 01.09.2019 and the result of the written examination was also declared on 12.11.2019. The petitioner has obtained

217.5 marks out of 300 marks and has obtained overall rank as 7227 and the communal rank as 2666, as far as the consideration against Typist Post and as far as the Post of Steno Typist, she obtained overall rank as 716 and the communal rank as 155.

3. According to the petitioner, on 30.11.2019, she has received a communication, directing her to upload the necessary certificates in support of her claim and the time for uploading the certificates was fixed from 05.12.2019 to 18.12.2019. According to the petitioner, she duly uploaded all the certificates on 11.12.2019 through E-Seva Centre at Vellore and the factum of uploading the certificate has also been acknowledged by issuing proper receipt by the E-Seva Centre to the petitioner.

4. While so, on 06.03.2020, when the Commission published the list of candidates provisionally admitted to the Certificate Verification / Counseling, the petitioner found that her name was not in the list. On enquiry, the petitioner was informed that the E-Seva Centre whose service

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was used by the petitioner for uploading the documents, has mistakenly uploaded the petitioner's English Shorthand Junior Certificate twice instead of English Typewriting Senior Certificate. Due to the careless handling of the E-Seva Centre, the petitioner was denied further opportunity to participate in the next stage of selection.

5. When the matter was heard earlier, this Court by order dated 14.08.2020, directed the respondent Commission to permit the petitioner to participate in the original Certificate Verification / Counseling in any one of the scheduled dates to be fixed by the Commission.

6. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner was allowed to participate in the Certificate Verification / Counseling on the basis of the interim direction of this Court and thereafter, the respondent found her eligible for eventual appointment and also issued appointment letter appointing the petitioner as Steno Typist Grade III, in Medical and Rural Health Services Department.

7. The learned counsel for the petitioner submitted that the fact that the petitioner has been ultimately issued with the appointment letter dated 02.12.2020, by itself demonstrated that the petitioner is a meritorious candidate and has come within the zone of appointment in her category. According to the learned counsel, an inadvertent error committed by the E-Seva Centre, cannot be held against the petitioner and deprive her of enjoying the fruits of the appointment granted to her.

8. Mr.Balamurali Krishnan, learned Standing Counsel for the respondent would submit that the Commission has clearly notified and informed all the candidates that the required certificates were to be uploaded without fail before the stipulated time. It is the responsibility of the candidates concerned to ensure that all the certificates were uploaded. The Commission cannot be held responsible if there was any mistake committed from the petitioner's side. Therefore, the petitioner was not originally allowed to participate in the next stage of selection. However, the learned counsel has admitted regarding the subsequent development as stated above.

9. The petitioner though participated in the Certificate Verification / Counseling on the basis of the interim order of this Court, yet the petitioner proved her mettle and ultimately was selected for appointment in her category. Therefore, the merit of the petitioner supporting her appointment is beyond the pale of any dispute or doubt. Merely because of an innocuous mistake committed by the person managing the E-Seva Centre, a momentous opportunity of being employed in the Public Service cannot be denied to the petitioner. When the petitioner has obtained the appointment through her hard work and in her own right, cannot be allowed to be denied of such opportunity which does not come quite often in any one's life.

10. In the above circumstances, taking of pragmatic, equitable and fair view and also taking note of the favourable development, the writ petition is allowed and it is declared that the appointment order issued to the petitioner is not to be considered as provisional appointment on account of pending this writ petition before this Court. The respondent

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Commission is directed to issue necessary clarification in this regard, expeditiously, not beyond a period of four weeks from the date of receipt of a copy of this order.

11. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2020

Index : Yes
Internet : Yes
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To

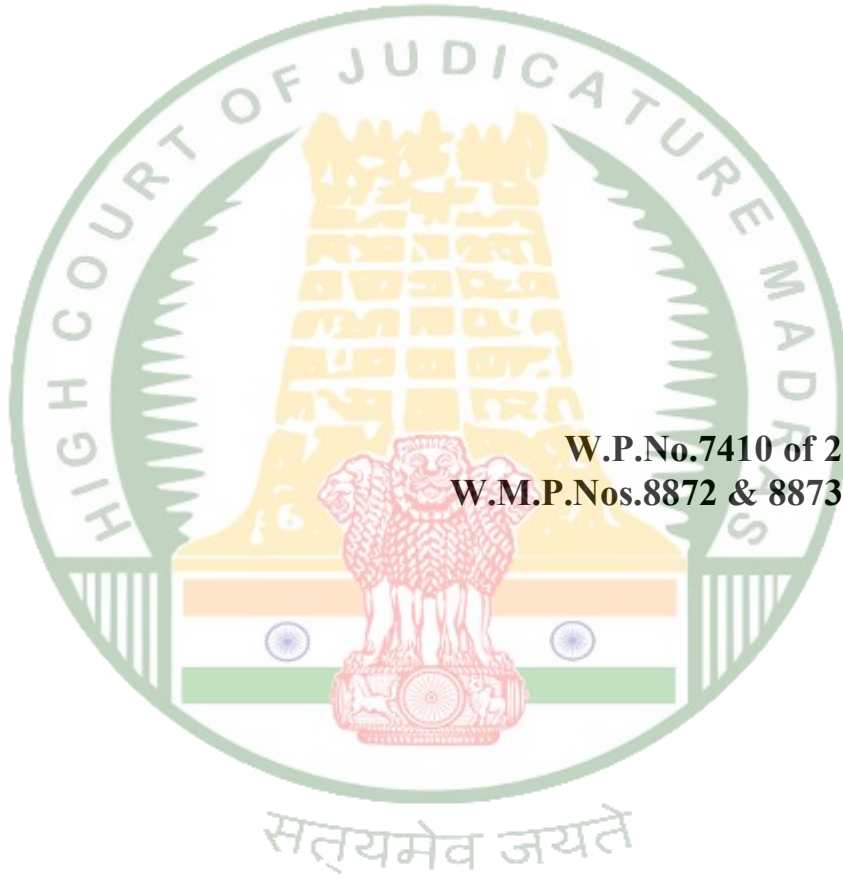
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