



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. No.1052 of 2021 and
C.M.P. No.6710 of 2021

Tamil Nadu Public Service Commission
Represented by its Secretary,
Frazer Bridge Road (now TNPSC Road)
VOC Nagar, Park Town
Chennai - 3

... Appellant/Respondent

vs

G.Tamilarasi

... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent
against the order dated 11.12.2020 made in W.P. No.5726 of 2020.

Prayer in W.P.5726/2020-

To issue a Writ of Declaration, to declare that the action of the respondent not including the name of the petitioner for the original certificate verification list issued by the respondent dated 12.02.2020 as arbitrary illegal and in violation of natural justice and consequently 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 issued by the respondent in Notification No. 19/2019 dated 14.06.2019.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.N.G.R.Prasad
for M/s.Row & Reddy

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

This writ appeal is directed against the order dated 11.12.2020, passed in W.P. No.5726 of 2020, which was filed for a declaration to declare that the action of the respondent not including the name of the petitioner for the original certificate verification list issued by the respondent dated



12.02.2020 as arbitrary, illegal and in violation of natural justice and consequently direct the respondent to permit the petitioner to participate in both the counselling for the posts included in the Combined Civil Services Examination -IV, Group-IV Examinations, issued by the respondent in Notification No.19/2019 dated 14.06.2019.

2.The writ petitioner/respondent herein who belongs to the BC category, had appeared for the selection of Combined Civil Services Examination-IV (Group-IV Services), which was held in pursuance of the notification of the appellant commission for the vacancies of the year 2018-2020 in various categories of posts. The writ petitioner's overall ranking was 60496; the communal rank was 26207 and her rank under Destitute Widow category was 85.

3.When the final list was published on 12.02.2020, the writ petitioner found that her registration number was missing in the list. On enquiry with the appellant, she was informed that her 10th standard certificate indicating her Tamil medium of study was not uploaded in the website and therefore, she was not considered against the quota reserved for PSTM candidates. According to the writ petitioner, inadvertently her +2 certificate which was also indicative of Tamil medium of study alone was uploaded. Due to which the writ petitioner was denied participation in the further process of selection, despite, she having secured qualifying marks in the selection.

4.During the pendency of the writ petition, the writ court has passed an interim order on 04.03.2020, directing the appellant to permit the petitioner to participate in the certificate verification/counselling and the petitioner was also directed to produce all the certificates in original, in support of her claim. In response to the order, she was permitted to appear for certificate verification and that she had also produced all the required certificates in support of her claim.

5.In the meanwhile, pursuant to the certificate verification, the petitioner was provisionally selected and appointed as Junior Assistant in Public Health and Preventive Medicine Department on 28.11.2020, vide the proceedings of the Appellant and it was stated therein by the appellant that the provisional selection was subject to the outcome of the writ petition.

6.We have heard the submissions of the learned counsel for the appellant as well as the respondent and perused the materials available on record.

7.The learned single Judge had elaborately considered the



merits of the writ petitioner, who had cleared the examination and stood eligible for all the posts except Typist and Steno-Typist. Admittedly, the writ petitioner was also provisionally selected and appointed, as she was otherwise qualified to be appointed.

8. Admittedly, in this case, the information furnished by the respondent herein were correct. The writ petitioner, after clearing the examination, was qualified to be appointed, both on the communal roster basis as well as on PSTM certificate, but only a minor mistake that has crept in not uploading her S.S.L.C. Certificate supporting her claim that she had studied in Tamil Medium, but mistakenly her +2 certificate, which was also indicative of Tamil Medium of study, was uploaded. It is to be noted that the writ petitioner has produced the requisite certificate at the time of her participation in the certificate verification and that we are of the considered view that the writ petitioner has satisfied the condition and therefore, an error of not uploading the required certificate may be condoned, particularly, in this case, as the writ petitioner is a destitute woman and the present employment would definitely help her to enhance her social status. The learned single Judge has elaborately considered the issue and we do not find any error or defect in the well reasoned order of the learned single Judge and the same does not require any interference by this court.

9. In view of the same, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Tamil Nadu Public Service Commission
Frazer Bridge Road (now TNPSC Road)
VOC Nagar, Park Town Chennai - 600003.

+1cc to M/s.Row & Reddy, Advocate, S.R.No.37081

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AJS (CO)
CT/01/09/2021