



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM

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

W.A. No.1471 of 2021 and
C.M.P. No.9316 of 2021

1.The Chairman

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

2.The Secretary

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

... Appellants

vs

K.Kaviya

...Respondent

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 11.12.2020 made in W.P. No.12007 of 2020.

Prayer in WP NO 1471/2021:

Writ petition filed under article 26 constitution of India praying writ of mandamus to direct the respondents to consider the representation dated 09.03.2020 sent by the petitioner and pass suitable orders in accordance with law within a stipulated period by allowing him to participate in certificate verification afresh by producing 10th standard certificate

For Petitioner : Mr.N.Balamuralikrishnan

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

As no adverse order is passed against the respondent, notice to the respondent is dispensed with.

2. This writ appeal is directed against the order dated



11.12.2020 passed in W.P. No.12007 of 2020, which was filed for a mandamus to direct the respondents to consider the representation of the petitioner dated 09.03.2020 and pass suitable orders by allowing her to participate in the certificate verification afresh by producing her 10th standard certificate.

3. The writ petitioner/respondent herein who belongs to the SC category, had appeared for the selection of Combined Civil Service Examination-IV (Group-IV Services), which was held in pursuance of the notification of the appellants commission for the vacancies of the year 2018-2020 in various categories of posts. The petitioner's overall ranking was 1953 and the communal rank was 243.

4. When the final list was published on 09.03.2020, the petitioner found that her registration number was missing in the list. On enquiry with the appellants, 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 petitioner was denied participation in the further process of selection, despite, she having secured high ranking in the selection.

5. During the pendency of the writ petition, the writ court has passed an interim order on 23.09.2020 directing the appellants 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.

6. In the meanwhile, pursuant to the certificate verification, the petitioner was provisionally selected and appointed as Typist in Agriculture Department vide the proceedings of the Appellants dated 28.11.2020 and it was stated therein by the appellants that the provisional selection was subject to the outcome of the writ petition.

7. Heard the submissions of the learned counsel for the appellants and perused the materials available on record.

8. The learned single Judge had elaborately considered the merits of the writ petitioner, who had cleared the examination and stood 243 in the communal rank for the post of Typist. Admittedly, the writ petitioner was also provisionally selected and appointed, as she was otherwise qualified to be appointed.



9. Admittedly, in this case, the information furnished by the respondent herein were correct. The 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 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 petitioner has satisfied the condition and therefore, an error of not uploading the required certificate may be condoned, particularly, in this case, as the petitioner hails from a downtrodden community 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

To

1. The Chairman
TamilNadu Public service commission
Frazer Bridge Road (now TNPSC Road)
VOC Nagar Park Town, Chennai-3.

2. The Secretary
Tamilnadu Public Service Commission
Frazer Bridge Road (now TNPSC Road)
VOC Nagar, Park Town,
Chennai-3

+lcc to Mr.N. Balamuralikrishnan, Advocate, S.R.No.29245

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LN(CO)
SB(15/07/2021)