



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.07.2021

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CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.6598 of 2020
and
W.M.P.No.7820 of 2020

S.Tamil Selvi

... Petitioner

Vs

1.The Chairman,
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.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing 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 her to participate in certificate verification.

For Petitioner : Mr.G.Umashankar

For Respondent : Mr.Balamurali Krishnan
Standing Counsel

ORDER

By consent of both the parties, this Writ Petition is heard through Video Conferencing today.

2. The petitioner herein is aggrieved against her non-selection to the post called for under Notification No.19 of 2019 dated 14.06.2019. Similarly placed persons, who were not



considered for selection owing to non-production of Persons Studied in Tamil Medium (PSTM) Certificates, Community Certificates, Under Graduation and Post Graduation Certificates, were also deprived of the selection and when they had approached this Court by filing the Writ Petitions, ventilating their grievances, this Court, in the cases of G.Tamilarasi Vs. Tamil Nadu Public Service Commission in W.P.No.5726 of 2020 dated 11.12.2020 and J.Karthik Vs. Tamil Nadu Public Service Commission in W.P.No.4866 of 2020 dated 05.02.2021, had allowed the Writ Petitions. It is stated across the bar that the Writ Appeal in W.A.No.1329 of 2021, as against the order in W.P.No.4866 of 2020, was dismissed by the Hon'ble Division Bench of this Court on 14.06.2021.

3. The issue now seems to be settled by the learned Single Judge of this Court and the relevant portion of the order in G.Tamilarasi's case (supra) reads as follows:-

"8. When the matter was taken up for hearing earlier, this Court has directed the Commission vide interim order dated 04.03.2020, to permit the petitioner to attend the counseling on any one of the dates scheduled without prejudice to the rights of the parties in the writ petition. Thereafter, it appears that the petitioner was permitted to participate in the counseling and the certificates as required by the Commission were also produced to the satisfaction of the Commission. Ultimately, the petitioner being found eligible for appointment in the category for which she laid her claim, the provisional appointment has also been issued appointing the petitioner as Junior Assistant in Public Health and Preventive Medicine Department, in pursuance of her selection pursuant to the subject Notification. However, the appointment is stated to be subject to the disposal of the present writ petition.

9. On behalf of the respondent Commission, a counter affidavit has been filed. In the counter affidavit, it is stated that when the candidates were informed of the selection procedure as stipulated in the Notification itself, it is the responsibility of the candidate to ensure that all the certificates were uploaded within the time stipulated by the Commission. As far as the Commission is concerned, the PSTM claim of the petitioner could not be considered in the absence of 10th Std certificate as a proof of petitioner having done her schooling in Tamil Medium of



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petitioner has been issued a provisional appointment order.

15. In the above circumstances, the considered view of this Court is that the petitioner should be allowed to enjoy the fruition of the appointment without any strings attached to her appointment. This is particularly so, that the petitioner being a Destitute Widow, has earned her appointment in her own right.

16. Therefore, it is hereby declared that the appointment of the petitioner dated 28.11.2020, as Junior Assistant, Public Health and Preventive Department, is not to be construed as provisional appointment on account of pending of this writ petition. The Commission is directed to issue necessary clarification in this regard expeditiously."

The aforesaid extract is self explanatory and the ratio laid down therein is squarely applicable to the facts involved in the present Writ Petition. As such, the petitioner herein would also be entitled for the relief in accordance with the aforesaid order.

4. In the light of the above observations and the judgment of this Court in J.Karthik's case (supra) passed in W.P.No.4866 of 2020, the petitioner's candidature is directed to be included in the selection list for appointment to Group-IV posts, pursuant to the Notification No.19 of 2019 dated 14.06.2019 and consequently, there shall be a direction to the concerned respondent/Government Department to issue posting orders, as expeditiously as possible, in any event, within a period of 8 weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



sbn/hvk

To

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srg 09/08/2021