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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.07.2021

Pronounced on : 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6617 of 2020

and

WMP.Nos.7844 & 7845 of 2020

T.Vijaya

...Petitioner

Vs

The Member Secretary,
Tamil Nadu Public Service Commission,
Frazeer Bazaar Street,
VOC Nagar,
Park Town, Chennai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to change the medium of studying from Tamil to English consequently to include the petitioner's register number 1104004078 for the counseling with respect to the notification No.19/2019 dated 14.06.2019 issued by the respondent held on 19.02.2020.

For Petitioner : Mr.S.C.Vishwanth
Mr.K.V.Sanjeev Kumar for R1

For Respondent : Mr.N.Balamurali Krishnan
Standing Counsel for TNPSC

O R D E R

By consent of both the parties, this Writ Petition is heard through Video Conferencing on 23.07.2021.

2. The petitioner herein is aggrieved against her non-selection to the posts called for by the respondent under Notification No.19 of 2019 dated 14.06.2019. It is the apprehension of the petitioner that since, while filling up the application she had wrongly selected the column of medium of instructions as 'Tamil' instead of 'English' and had also not uploaded the "Persons Studied in Tamil Medium" (PSTM) Certificate, the respondent may disqualify her candidature.



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3. Incidentally, the petitioner herein does not claim priority under the category of PSTM. It is the submission of the petitioner that she had inadvertently selected the medium of instructions as 'Tamil' instead of 'English' in her application.

4. The Hon'ble Supreme Court in the case of Dolly Chhanda Vs. Chairman, JEE and others reported in 2005 (9) SCC 779, had held that every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.

5. A learned Single Judge of this Court in the case of K.Ganapathy Vs. Member Secretary, TNPSC, Chennai passed in W.P.No.9289 of 2020, dated 05.02.2001, had also held that a minor error inadvertently committed by a candidate, should not deprive his valuable right of gaining employment in Public Service. The same view was reiterated in the case of M.Abiramadevi V. The Secretary, TNPSC, Chennai and another passed in W.P.No.4700 of 2020 dated 05.02.2021.

6. In the present case, the petitioner is otherwise qualified to be appointed in the selection process but for the minor mistake committed by her in the application. By applying the ratio held in the above cited decisions, it could be held that such a minor error of mentioning "Tamil" as petitioner's medium of instructions, should not deprive her of the appointment in the Public Service. More particularly, when she does not claim priority under PSTM category and she is otherwise fully qualified for selection. This Court has also taken note of the fact that the petitioner herein has already been provisionally appointed as Junior Assistant in the Medical and Rural Health Department with a rider that the appointment would be subject to the outcome of the present Writ Petition.

7. For all the foregoing reasons, there shall be a direction to the respondent herein to ratify the provisional appointment given to the petitioner as Junior Assistant in the Medical and Rural Health Department, within a period of two weeks from the date of receipt of a copy of the order. The Writ Petition stands allowed accordingly. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



DP

To

The Member Secretary,
Tamil Nadu Public Service Commission,
Frazeer Bazaar Street,
VOC Nagar,
Park Town, Chennai.

+1 Cc to Mr.S.C.Vishwanth, Advocate, Sr.No. 48938.

W.P.No.6617 of 2020
and
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RLD(CO)
LS(24/09/2021)