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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

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

W.A. No.1171 of 2021 and
C.M.P. No.7394 of 2021

1. The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, Chennai - 3
2. The Controller of Examination
Tamil Nadu Public Service Commission
TNPSC Road, Chennai - 3 ...Appellants/1,2 Respondent

vs

M.Abiramadevi ...Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P. No.4700 of 2020.

Prayer in W.P. No.4700 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus or call for the records in respect of the impugned list dated 12.02.2020 of the candidates whose Register Numbers mentioned have been provisionally admitted to Original Certificate Verification and Counselling to the posts of junior assistant/field surveyor/village administrative officer included in Combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019-2020 in so far as to non inclusion of the register number of the petitioner based upon her eligibility, issued by the 1st respondent, the Secretary, Tamilnadu Public Service Commission, Chennai - 600 003, quash the same and direct the 1st respondent to select the petitioner for appointment to the posts included in Combined Civil Services Examination IV (Group IV) based upon her eligibility.



For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.R.Ramachandran

JUDGMENT

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(delivered by PUSHPA SATHYANARAYANA, J.)

This writ appeal is directed against the order dated 05.02.2021 passed in W.P. No.4700 of 2020, questioning its validity and correctness.

2. The said writ petition was filed for a writ of certiorarified mandamus seeking to quash the provisional selection list dated 12.02.2020 issued by the first respondent for Original Certificate Verification and counselling to the posts of Junior Assistant/Field Surveyor/Village Administrative Officer included in Combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019-2020 insofar as non-inclusion of the register number of the petitioner based on her eligibility and consequently, for a direction to the 1st respondent to select the petitioner for appointment to the posts included in Combined Civil Services Examination IV (Group IV) based on her eligibility.

3. The writ petitioner/respondent herein who belongs to the BC category, had appeared for the written examination on 01.09.2019 and the result of which was published on 30.11.2019. The petitioner had scored 252 marks out of 300 with overall rank of 5697 except for the posts of Typist and Steno Typist Grade III and communal rank of 2654. As far as the post of Typist is concerned, her overall rank is 781 and communal rank is 378. When the list of candidates called for certificate verification was issued, she was shocked to note that her name was not found in the list. She, therefore, approached the appellants, wherein, she was informed that she had wrongly stated as if she studied SSLC in Tamil medium but the certificate uploaded while submitting the on-line application, discloses that she had studied in English Medium. Hence, for false declaration, her candidature was not considered by the Commission. It is the stand of the writ petitioner that her intention was not to mislead the Commission. A small mistake committed by the petitioner in filling up the application form has resulted in her, not being called for certificate verification, despite she being successful in the selection. Hence she was before the writ court.

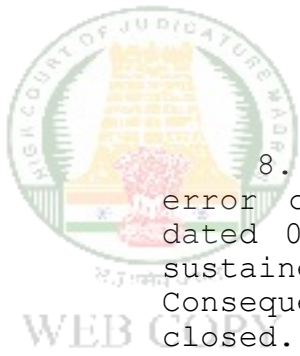


4. While entertaining the writ petition, writ court, has passed an interim order, permitting the petitioner to participate in the ongoing counselling/certificate verification and directed that the result of the petitioner shall not be declared until further orders.

5. Before the writ court it was the contention of the Commission that instructions have been given very clearly in the notification itself to upload all the correct and required documents through e-seva centers and that it further contended that the candidates alone are responsible for any incorrect uploading and its consequences. Before the writ court, it was the submission of the learned counsel for the Commission that every candidate is expected to follow the requirements of the Commission meticulously and if any deviation is to be accepted, it would only open the flood gates and the commission will be deluged with thousands of claims of similar nature.

6. Per contra, the learned counsel for the writ petitioner contended that the petitioner, at the end of the day of selection, became qualified to be selected not against PSTM quota but in general quota in her category. The learned counsel has also produced before the writ court provisional selection of the appointment of the petitioner as Typist in the Tamil Nadu Secretariat Service. The petitioner was also directed to produce all the required documents on the basis of the provisional selection for appointment.

7. The writ court, upon considering the pleadings and the submissions made by the parties, held that in view of the positive development, when extremely a minor error has been committed inadvertently by the candidate concerned, the same cannot be allowed to deprive the candidate of her valuable right to gain employment in Public Service. In this case, the petitioner, having been provisionally selected for appointment in general quota, if the objections of the commission are accepted, it would result in grave prejudice to the writ petitioner, who being a meritorious candidate and thus the writ court held that the provisional appointment of the petitioner dated 04.11.2020 shall not be treated as subject to the pendency of the writ petition anymore and hence directed the Commission to pass appropriate orders on the basis of the disposal of the writ petition in favour of the petitioner in a time bound manner.



8. In such view of the matter, we do not find any manifest error or infirmity in the order of the learned single Judge dated 05.02.2021 made in W.P. No.4700 of 2020 and the same is sustained. Accordingly, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asr

To:

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Chennai 600 003.
2. The Controller of Examinations,
Tamil Nadu Public Service Commission
TNPSC Road, Chennai - 3

W.A. No.1171 of 2021 and
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LN(CO)
LS(21/09/2021)