



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A.No.1564 of 2021
and
C.M.P.No.9859 of 2021

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road (now TNPSC Road),
VOC Nagar, Park Town,
Chennai - 600 003.

.. Appellant/1st Respondent

Vs.

D.Priyanga

.. Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court in W.P.No.6664 of 2020 dated 05.02.2021.

Prayer : Petition filed under Article 226 of the Constitution of India praying 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 06.03.2020 as arbitrary, illegal and violation of natural justice and consequently, direct the respondent to permit the petitioner to participate in the counselling 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 Appellant : Mr.N.Balamuralikrishnan

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

The appeal is directed against the order dated 05.02.2021 passed in W.P.No.6664 of 2020, wherein, a declaration was sought for by the writ petitioner to declare that the action of the appellant not including the name of the writ petitioner for the original certificate verification list issued by the appellant dated 06.03.2020 as arbitrary, illegal and violation of natural justice and consequently, direct the appellant to permit the petitioner to participate in the counselling for the posts included in the Combined Civil Services Group-IV



Examinations issued by the appellant in Notification No.19/2019 dated 14.06.2019.

2. The writ petitioner/respondent herein, who belongs to SC 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 234 marks out of 300 and she was also eligible under PSTM quota. As far as the post of Typist is concerned, her overall rank was 3357 and the communal rank was 393. The appellant had published three separate lists of provisionally admitted candidates for certificate verification.

3. There was yet another communication on 03.12.2019 directing the candidates to upload all the original certificates in the website through E-Seva centres recognised by the Government between 05.12.2019 to 18.12.2019. Pursuant to the same, the writ petitioner had approached the E-Seva centre and uploaded all the certificates on 10.12.2019, much ahead of the stipulated time, which was also acknowledged by the appellant herein. Only when the writ petitioner found that her number was missing in the list of candidates called for final certificate verification, which was scheduled on 20.03.2020, she realised that instead of uploading the Senior Grade Typewriting English Certificate, she had uploaded her Senior Grade Typewriting Tamil Certificate. Therefore, in the absence of the Senior Grade Typewriting English Certificate, she was not allowed to participate in the final stage of selection and for counselling. In the meanwhile, the petitioner called for certificate verification, in which, she participated and she was declared to have been provisionally selected to the post of Typist in Police Department and it was stated therein by the appellant that the provisional selection was subject to the outcome of the writ petition.

4. The learned single Judge had elaborately considered the merits of the Writ Petitioner, who had cleared the examination and stood 393 in the communal rank. Admittedly, the writ petitioner was also provisionally selected and appointed, as she was otherwise qualified to be appointed. In similar cases and in similar circumstances, this Court passed various orders, based on which several candidates have been appointed.

5. 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 as well as on PSTM quota, but only a minor mistake that had crept in while uploading the documents through e-Seva kendra.

6. As seen from the affidavit filed in support of the writ petition and the order of the learned single Judge, excepting the above said error, the candidate is otherwise



qualified to be appointed as per the selection process. The mistake that had crept in was, instead of uploading the Senior Grade Typewriting English Certificate, Senior Grade Typewriting Tamil Certificate was uploaded, which could have been the mistake committed by the person in-charge of the e-Seva Kendra, which should not jeopardise the interest of the writ petitioner.

7. In view of the same, we do not find any error or infirmity in the order of the learned Single Judge dated 05.02.2021 made in W.P.No.6664 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 (CCC)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Secretary,
TamilNadu Public Service Commission,
Frazer Bridge Road (Now TNPSC Road),
VOC Nagar, Park Town,
Chennai 600 003.

W.A.No.1564 of 2021

and

C.M.P.No.9859 of 2021

SR (CO)
GN(02/08/2021)