

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

RESERVED ON:	01.04.2021
DELIVERED ON:	07.07.2021

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) Nos.5812, 14903, 3308, 3315, 3324, 3487, 3497, 3562, 4320, 4424, 4624, 4626, 5182, 5303, 5544, 5636 of 2020 and connected Miscellaneous Petitions

In W.P.No.5812 of 2020

M.Nisha

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service
Commission
VOC Nagar, Park Town,
Chennai-600 003.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-600 003.

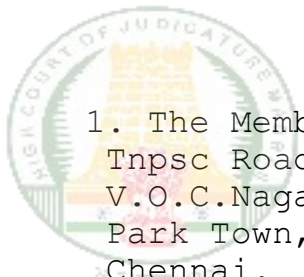
... Respondents

PRAYER in W.P. (MD) No.5812 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned list proceeding No.Nil, dated 06.03.2020 of the candidates whose Register Numbers mentioned have been provisionally admitted to Original Certificate Verification and Counseling to the post of Steno-Typist Gr-III included in Combined Civil Services Examination -IV (Group-IV) for the years 2018-2019 and 2019-2020 insofar as to non inclusion of the Register number of the petitioner (Reg. No.2907007144) based upon her eligibility, issued by the first respondent, quash the same and direct the first respondent to select the petitioner for appointment to the post of Steno-Typist Gr-III included in Combined Civil Services Examination-IV (Group-IV) based upon her eligibility.

WP (MD) . 14903/ 2020:

P.Mahalakshmi D/o. G.Periyasamy, No.46a/1,
Sengunthar Middle Street, Tirunelveli Town,
Tirunelveli.

... Petitioner(s) in WP(MD) . 14903/ 2020



1. The Member Secretary Tamilnadu Public Service Commission,
Tnpsc Road,
V.O.C.Nagar,
Park Town,
Chennai.

... Respondent(s) in WP(MD). 14903/ 2020

Prayer in WP(MD). 14903/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-4 To issue a writ of Mandamus, directing the respondent to appoint the petitioner as Steno-Typist Gr-III, in pursuant to the Provisional Admitted candidates for Certificate Verification in the Written Examination held as per the Combined Civil Services Examination-IV (Group-IV) for the years 2018-2019 and 2019-2020 by permitting the petitioner for certificate verification and counseling within the time fixed by this Honourable Court.

WP(MD). 3308/ 2020 :

B.Anitha W/o.S.Chittibabu,
No.13/2958-24, Athmanathasami Nagar,
North 1st St, Pattinamkathan,
Ramnad Dist-623503 ... Petitioner(s) in WP(MD). 3308/ 2020

- Vs. -

1. The Secretary
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

2. The Under Secretary,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

3. The Controller of the Administration,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003. ... Respondent(s) in WP(MD). 3308/ 2020

Prayer in WP(MD). 3308/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Nil dated Nil (Published in the Official website of TNPSC on 12.2.2020) and quash the same as illegal in so far as the non inclusion of the petitioner Reg.Number (1601012044) is concerned and consequentially to direct the 1st respondent to consider the petitioner for appointment to the posts of Junior Assistant/Field

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Surveyor/Draftsman/Village Administrative Officer included in combined Civil Services Examination IV (Group IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner.

WP(MD). 3315/ 2020 :

M.Saranya D/o.M.Mariselvam,
4/25 Seenibai Compound, Voc St,
Bose Veedhi, Sellur,
Madurai

... Petitioner(s) in WP(MD). 3315/ 2020

- Vs. -

1. The Secretary
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

2. The Under Secretary,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

3. The Controller of the examination,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

... Respondent(s) in WP(MD). 3315/ 2020

Prayer in WP(MD). 3315/ 2020 :

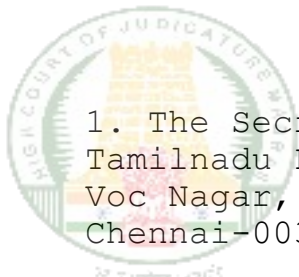
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Nil dated Nil (Published in the Official website of TNPSC on 12.2.2020) and quash the same as illegal in so far as the non inclusion of the petitioner Reg.Number (1001064124) is concerned and consequentially to direct the 1st respondent to consider the petitioner for appointment to the posts of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer included in combined Civil Services Examination IV (Group IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner.

WP(MD). 3324/ 2020

V.Ramalakshmi D/o.S.Vazhivittan,
9/83, Mahamayee Amman St,
Nagupillai Thoppu,
Madurai

... Petitioner(s) in WP(MD). 3324/ 2020

- Vs. -



1. The Secretary
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

2. The Under Secretary,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

3. The Controller of the Administration,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-003.

... Respondent(s) in WP(MD). 3324/ 2020

Prayer in WP(MD). 3324/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Nil dated Nil (Published in the Official website of TNPSC on 12.2.2020) and quash the same as illegal in so far as the non inclusion of the petitioner Reg.Number (1002006198) is concerned and consequentially to direct the 1st respondent to consider the petitioner for appointment to the posts of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer included in combined Civil Services Examination IV (Group IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner.

WP(MD). 3487/ 2020 :

K.M.Suresh S/o. K. Muthuraj,
No.2/62 Kalukerkadai, Thiruppuvanam,
Sivagangai District ... Petitioner(s) in WP(MD). 3487/ 2020

- Vs. -

1. The Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai - 600 003.

2. The Under Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai - 600 003.

3. The Controller of the Examination,
Tamil Nadu Public Service Commission,
Voc Nagar,
Park Town, Chennai - 3.

... Respondent(s) in WP(MD). 3487/ 2020



Prayer in WP(MD) . 3487/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st Respondent in his proceedings Nil dated Nil (Published in the official website of TNPSC on 12-02-2020) and quash the same as illegal in so far as the non inclusion of the petitioners Register Number (1008009089) is concerned and consequently to direct the 1st Resondent to consider the petitioner for appointment to the posts of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer included in combined Civil Services Examination-IV (Group-IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner.

WP(MD) . 3497/ 2020 :

S.Ananth S/o. A.Singarayan,
No.2/2, R.C.St.,
Seshapulam, Melagopalapuram Via,
Srivilliputhur Tk,
Virudhunagar .

... Petitioner(s) in WP(MD) . 3497/ 2020

- Vs. -

1. The Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai - 600 003.

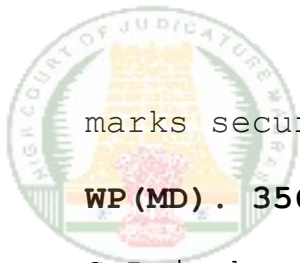
2. The Under Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai - 600 003.

3. The Controller of the Examination,
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai - 3.

... Respondent(s) in WP(MD) . 3497/ 2020

Prayer in WP(MD) . 3497/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st Respondent in his proceedings Nil dated Nil (Published in the official website of TNPSC on 12-02-2020) and quash the same as illegal in so far as the non inclusion of the petitioners Register Number (0210005173) is concerned and consequently to direct the 1st Resondent to consider the petitioner for appointment to the posts of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer included in combined Civil Services Examination-IV (Group-IV) for the years 2018-2019 and 2019-2020 taking into consideration of the



marks secured by the petitioner.

WP (MD) . 3562/ 2020 :

S.Rajeshwari W/o. S.Kumar,
8008 Sorna Valli Nagar,
Kalayarkoil,
Sivagangai District

... Petitioner(s) in WP (MD) . 3562/ 2020
- Vs. -

1. Tamil Nadu Public Service Commission,
Rep by its Secretary, Park Town,
Voc Nagar,
Chennai - 600 003..

.. Respondent(s) in WP (MD) . 3562/ 2020

Prayer in WP (MD) . 3562/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To Declare the provisional selection of candidates to the original certificate verification and Counselling to the post of Junior Assistant/Field Surveyor/ Village Administrative officer included in Combined Civil Services Examination-IV (Group-IV) 2018-19 and 2019-2020 as illegal in so far as not including the petitioner and consequently for a direction, directing the respondent to select and appoint the petitioner in the post of Junior Assistant/Field Surveyor/Village Administrator under the category of BC(OM) or BC(W) in view of the marks secured by the petitioner in the written examination conducted on 01-09-2019 in the event of the petitioner coming within the zone of consideration within the

WP (MD) . 4320/ 2020 :

M.Vanitha D/o.Muthuraman, No.5/666, Railway Feeder Road,
Thiruchuli,
Virudhunagar-626129

... Petitioner(s) in WP (MD) . 4320/ 2020
- Vs. -

1. The Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-3

2. The Under Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-3

3. The Controller of the Examination,
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-3

... Respondent(s) in WP (MD) . 4320/ 2020



Prayer in WP(MD) . 4320/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Nil dated Nil (Published in the official website of TNPSC on 12.02.2020) and quash the same as illegal in so far as the non inclusion of the petitioners Register Number (2908001004) is concerned and consequentially to direct the 1st respondent to consider the petitioner for appointment to the posts of Junior Assistant/ Field Surveyor/ Draftsman/ Village Administrative Officer included in Combined Civil Services Examination-IV(Group -IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner

WP(MD) . 4424/ 2020 :

J.Stalin S/o.Jesuraj, No.1.,
Ngo Colony, Thenkarai,
Periyakulam,
Theni District

... Petitioner(s) in WP(MD) . 4424/ 2020

- Vs. -

1. The Secretary
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-3

2. The Under Secretary
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-3

3. The Controller of the Examination,
Tamilnadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-3

... Respondent(s) in WP(MD) . 4424/ 2020

Prayer in WP(MD) . 4424/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court calling for the record relating to the impugned order passed by the 1st respondent in his proceedings Nil dt Nil (Published in the official website of TNPSC on 12/02/2020) and quash the same as illegal in so far as the non inclusion of the petitioners Register Number (1010005223) is concerned and consequentially to direct the 1st respondent to consider the petitioner for appointment under (Ex-Serviceman / PSTM) category to the posts of Junior Assistant / Field Surveyor / Draftsman / Village Administrative Officer included in Combined



Civil Services examination - IV (Group-IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner

WP(MD) . 4624/ 2020

R.S.Karthick S/o.R.Selvakumar,
No.40-F, Toovipuram 2nd St,
Sdr Compound,
Thoothukudi Dist

... Petitioner(s) in WP(MD) . 4624/ 2020

- Vs. -

1. The Chairman
Tamilnadu Public Service Commission,
Tnpsc Road,
Chennai-03

2. The Secretary,
Tamilnadu Public Service Commission,
Tnpsc Road,
Chennai-03

3. The Controller of Examination
Tamilnadu Public Service Commission,
Tnpsc Road, Chennai-03 ... Respondent(s) in WP(MD) . 4624/ 2020

Prayer in WP(MD) . 4624/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents to include the register number of the petitioner vide register number 0201025165 in the list of candidates provisionally admitted to original certificate verification and counselling to the post of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer included in combined Civil Service Examination IV (Group-IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner.

WP(MD) . 4626/ 2020 :

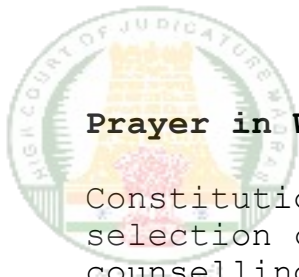
K.Kavitha D/o.Krishnamoorthy,
6/9, Mariammankovil St,
Mayanur Po, Krishnarayapuram Tk,
Karur District

... Petitioner(s) in WP(MD) . 4626/ 2020

- Vs. -

1. Tamil Nadu Public Service Commission,
Rep.By its Secretary,
Park Town, Voc Nagar,
Chennai-3

... Respondent(s) in WP(MD) . 4626/ 2020



Prayer in WP(MD) . 4626/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to declare the provisional selection of candidates to the original Certificate verification and counselling to the post of Junior assistant / Field Surveyor / Village Administrative Officer included in Combined Civil Services Examination -IV (group-IV) 2018-2019 and 2019-2020 as illegal in so far as not including the petitioner and consequently for a direction, directing the respondent to select and appoint the petitioner in the post of Junior Assistant / Field Surveyor / Village Administrator under the category of MBC(DW)(W) in view of the marks secured by the petitioner in the written examination conducted on 01/09/2019 in the event of the petitioner coming within the zone of consideration

WP(MD) . 5182/ 2020 :

S.Anitha W/o. M.Palani Samy, No.B/14/15,
Tsp 6th Battalion Quarters,
Reserve Line,
Madurai-14

... Petitioner(s) in WP(MD) . 5182/ 2020

- Vs. -

1. The Secretary Tnpsc,
Voc Nagar, Park Town,
Chennai-3

2. The Under Secretary
Tnpsc, Voc Nagar,
Park Town,
Chennai-3

3. The Controller of the Examination,
Tnpsc, Voc Nagar,
Park Town,
Chennai-3

... Respondent(s) in WP(MD) . 5182/ 2020

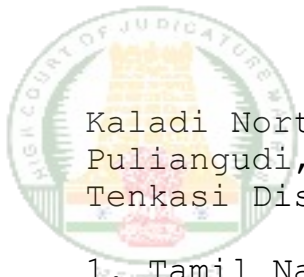
Prayer in WP(MD) . 5182/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Nil dated Nil (Published in the official website of TNPSC on 06.03.2020) and quash the same as illegal in so far as the non inclusion of the petitioners register No. (1001066131) is concerned and consequentially to direct the 1st respondent to consider the petitioner for appointment to the posts of Steno Typist Gr.III included in Combined Civil Services Examination -IV (Group-IV) for the years 2018-19 and 2019-2020 taking into consideration of the marks secured by the petitioner.

WP(MD) . 5303/ 2020 :

G.Viji D/o.R.Govindan, 25/5,

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Kaladi North Mudukku St,
Puliangudi, Kadayanallur Tk,
Tenkasi District

... Petitioner(s) in WP(MD). 5303/ 2020

- Vs. -

1. Tamil Nadu Public Service Commission,
Rep.By its Secretary, Park Town,
Voc Nagar,
Chennai-600 003

... Respondent(s) in WP(MD). 5303/ 2020

Prayer in WP(MD). 5303/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to declare the provisional selection of candidates to the Original Certificate Verification and Counselling to the post of Typist included in Combined Civil Services Examination -IV(Group-IV) 2018-2019 and 2019-2020 as illegal in so far as not including the petitioner and consequently for a direction, directing the respondent to select and appoint the petitioner in the post of Typist under the category of SC(W) in view of the marks secured by the petitioner in the written examination conducted on 01/09/2019 in the event of the petitioner coming within the zone of consideration .

WP(MD). 5544/ 2020 :

K.Rajaram S/o.M.Krishnan, No.8,
Utchi Mahaliyamman Kovil St,
Nagercoil,
Kanyakumari Dist

... Petitioner(s) in WP(MD). 5544/ 2020

- Vs. -

1. The Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-600 003

2. The Under Secretary
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-600 003

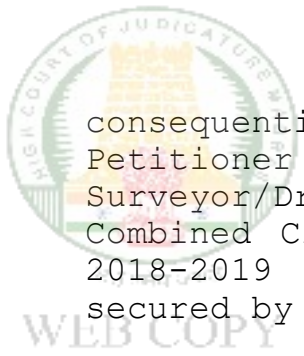
3. The Controller of the Examination,
Tamil Nadu Public Service Commission,
Voc Nagar, Park Town,
Chennai-600 003

... Respondent(s) in WP(MD). 5544/ 2020

Prayer in WP(MD). 5544/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to calling for the records relaing to the impugned order passed by the 1st respondent in his proceedings Nil dt Nil (Published in the official website of TNPSC on 12.12.2020) and quash the same as illegal in so far as the non inclusion of the petitoners Reg No.(0802001057) is concerned and

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consequently to direct the 1st respondent to consider the Petitioner for appointment to the posts of Junior Assistant/Filed Surveyor/Draftsman/Village Administrative Officer included in Combined Civil Services Examination -IV (Group -IV) for the years 2018-2019 and 2019-2020 taking into consideration of the marks secured by the petitioner

WP(MD) . 5636/ 2020 :

M.Veeralakshmi D/o.K.Murugan, No.522,
Tiruppur Kumaran Nagar,
Sankarankovil-627 756,
Tenkasi District

... Petitioner(s) in WP(MD) . 5636/ 2020

- Vs. -

1. The Secretary Tamil Nadu Public Service Commission,
Park Town,
Chennai-600 003.

... Respondent(s) in WP(MD) . 5636/ 2020

Prayer in WP(MD) . 5636/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To direct the respondent to select and appoint the petitioner (Reg No.2607007288) to the post of Steno-Typist(Grade-III) based on the marks and on merits as per overall rank 464 and communal rank 315 for the post of Steno-Tupist (Grade-III) in BC Category under persons studied in Tamil medium category based on the selection conducted as per notification No.19/2019 dt 14.6.2019 issued by the respondent with all consequential and other attendant benefits.

For Petitioner	:Mr. R.Santhanam for petitioner in WP(MD).MNo.5812/2020 :Mr.H.Arumugam, Advocate for Petitioner in WP(MD).No.14903/2020 :Mr.VenkateshKumar,Advocate for M/s.Ajaml Associates, for Petitioner in WP(MD).No.3308/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.3315/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.3324/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.3387/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.3397/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.4320/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.4424/2020, M/s.Ajaml Associates, for Petitioner in WP(MD).No.5182/2020, :Mr.T.Lajapathi Roy, Advocate for
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Petitioner in WP(MD).No.3562/2020
:Mr.T.Lajapathi Roy, Advocate for
Petitioner in WP(MD).No.4626/2020
:Mr.T.Lajapathi Roy, Advocate for
Petitioner in WP(MD).No.5303/2020
:Mr.Niranjan.S.Kumar, Advocate,
for petitioner in WPMD).No.4624/2020
:Mr.R.Vinoth Kumar, Advocate,
for petitioner in WPMD).No.5544/2020
:Mr.G.Sankaran, Advocate,
for petitioner in WPMD).No.5636/2020

For Respondents :Mr.Isaac Mohanlal, Sr. Counsel
for Mr.D.Sivaraman,
Standing counsel for TNPSC
in all 16 Wps

C O M M O N O R D E R

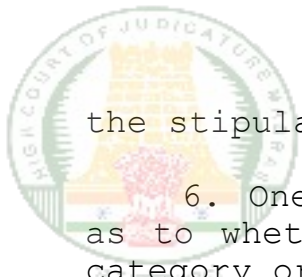
The petitioners in all the above Writ Petitions had submitted On-line applications to the Tamil Nadu Public Service Commission (TNPSC), pursuant to the recruitment notification No.19 of 2019 dated 14.06.2019 for the posts in Group-IV Services. All the petitioners had taken part in the written examinations. After publication of the results and based on the claims made in their respective On-line applications, they were called upon to upload the documents between 05.12.2019 and 18.12.2019 to substantiate their claims made in the On-line applications.

2. During certificate verification, the TNPSC was of the view that all the petitioners herein had claimed reservation under "Persons Studied in Tamil Medium" (PSTM) category, but had not uploaded the PSTM Certificates. By placing reliance on the terms and conditions enumerated in the instructions to the candidates given under the recruitment notification dated 14.06.019, the candidature of all the petitioners herein were rejected for non uploading of PSTM Certificates. The petitioners herein are aggrieved against their non selection.

3. Heard the learned counsel for the parties.

4. The learned counsel for the petitioners had submitted that a mere reference to 'Tamil' as a medium of instructions in their On-line application, will not amount to claiming of reservation under PSTM category and therefore rejecting their candidature on the ground that they have not uploaded PSTM Certificates, cannot be sustained.

5. Mr.Isaac Mohanlal, learned Senior counsel representing the Standing counsel for the TNPSC, submitted that Clause 12(J) of the notification requires the candidates to upload the documents, on which a claim is made and failure to upload such documents within



the stipulated time will entail rejection of the applications.

6. One of the core issues involved in these Writ Petitions is as to whether these petitioners had claimed reservation under PSTM category or not?

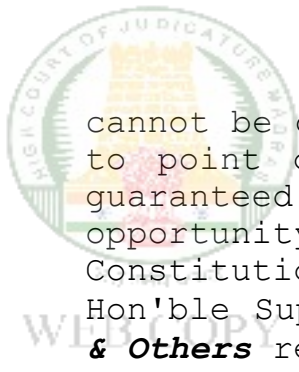
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7. It is not disputed that apart from the alleged failure to upload the PSTM Certificate, all the petitioners herein were otherwise eligible on merit, to be selected to the various posts in Group-IV Services. It is also not in dispute that the On-line application under the notification No.19 of 2019 dated 14.06.2019 did not provide for a specific column for the applicants, to give their option for claim of reservation under PSTM category. On the other hand, one of the column in the On-line application requires the applicants to mention their medium of instructions in their respective curriculum. This was a mandatory requirement for the applicants to fill up the medium of instructions in the On-line application and failure to mention the medium, would result in rejection of the application.

8. It is the case of all the petitioners herein that they had not claimed any special reservation under PSTM category and even without applying the reservation under PSTM category, they have qualified themselves in the open category for selection to the posts. This aspect has not been disputed by the learned Senior counsel appearing for the TNPSC.

9. The respondents are unable to substantiate as to on what basis, they had come to the conclusion that all these petitioners had claimed reservation under PSTM category. Merely because the On-line application provides for a column, calling upon the applicants to mention their medium of instructions, it cannot be construed as if these applicants had claimed reservation under the PSTM category. It is reiterated that there is no column in the application, calling upon the candidates to exercise their option to claim reservation under PSTM category.

10. In all recruitment processes held by the Government or other Governmental bodies and where the rule of reservation is made applicable, irrespective of whether it is horizontal or vertical reservation, the recruiting authority cannot subject the candidates to the rule of reservation, just because they qualify themselves for such reservations. The method of recruitment adopted by the recruitment authorities ratifies this proposition, since the first stage of evaluating the On-line applications is on the merits in the open category for all the applicants universally and irrespective of whether they had qualified themselves for any horizontal or vertical reservation, their candidature was short listed in the open category on merits. For instance, a candidate may belong to Most Backward Caste or Scheduled Caste or Scheduled Tribe community and when he/she qualifies themselves in the open category, their candidature



cannot be considered under the communal reservation. It is needless to point out the right for employment is a fundamental right as guaranteed under the Constitution of India and depriving such an opportunity would also be violative of Article 14 of the Constitution of India. This proposition has been reiterated by the Hon'ble Supreme Court in the case of **Ritesh R. Sah Vs. Dr.Y.L.Yamul & Others** reported in **1996 (3) SCC 253**.

11. In the instant case, when the petitioners have qualified themselves in the open category itself, there was no justification on the part of the TNPSC to treat them as candidates claiming reservation under PSTM category and insisting for production of a PSTM Certificate. Hence, the proper course that ought to have been adopted by TNPSC is to straight away to include the names of the candidates who had qualified themselves in the open merit category and ought not to have resorted to demand supporting testimonials for any kind of reservation which the candidates may or may not claim. In these circumstances, the reason assigned the reason assigned by the TNPSC for rejection of the petitioners' candidature is unjust and illegal.

12. The learned Senior counsel had placed reliance on the following decisions of the Hon'ble Apex Court as well as this Court in the case of a) **Dr.N.Vennilla Vs. Tamil Nadu Public Service Commission** reported in **2006 (3) CTC 449**; b) **Bedanga Talukdar Vs. Saifudullah Khan & others** reported in **AIR 2012 SC 1803**; and c) **The State of Tamil Nadu & Others Vs. G.Hemalatha & another** reported in **2019 SCC Online (SC) 1113**, to substantiate that recruitment notification will have statutory force and that failure on the part of the candidates to abide by the instructions given in the application would amount to summary rejection. There is no quarrel on this proposition. However, in the instant cases, the Writ Petitions deserve to be allowed on the factual infirmity that the On-line application does not call for options from the candidates to claim reservation under PSTM category but merely requires them to fill up their medium of instructions in their curriculum, which infirmity cannot be construed as a claim for reservation under PSTM category. Hence, the citations relied upon by the learned Senior counsel may not have relevance to the ground on which this Court intends to allow the Writ Petitions.

13. In the result, the above Writ Petitions stand allowed. Consequently, the action of the TNPSC in rejecting the petitioners' candidatures on the ground that they had not uploaded the PSTM Certificates relied upon by them in their On-line applications, is declared as illegal. As a result, there shall be a direction to the TNPSC to include the names of all the petitioners herein in the selection list for counseling to the posts included in Group-IV Services, as per notification No.19 of 2019 dated 14.06.2019. The TNPSC shall endeavor to include the names of these petitioners,



atleast, within a period of two weeks from the date of receipt of a copy of this order.

14. In fine, all the Writ Petitions stand allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

DP
To

1.The Secretary,
Tamil Nadu Public Service
Commission
VOC Nagar, Park Town, Chennai-600 003.

2.The Under Secretary,
Tamil nadu public Service Commission,
VOC Nagar,
Park toen,Chennai-600 003

3.The Controller of Examination,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Park Town,
Chennai-600 003.

+1 CC to M/s.R.SANTHANAM, Advocate (SR-21910[F] dated 09/07/2021)
+1CC to Mr.H.Arumugam, Advocate, SR.No. 21610 dated 08.07.2021
+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No.21650 dated 08.07.2021
+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 21651 dated 08.07.2021
+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 21652 dated 08.07.2021
+7CC to M/s.Ajaml Associates, Advocate,SR.No.21594 dated 08.07.2021
+1CC to Mr.Niranjan Kumar, Advocate, SR.No. 21606 dated 08.07.2021
+1CC to Mr.Vinoth Kumar, Advocate, SR.No. 21657 dated 08.07.2021
+1CC to Mr.Deepak, Advocate, SR.No. 21659 dated 08.07.2021

W.P.(MD) Nos.5812, 14903, 3308, 3315, 3324, 3487, 3497, 3562, 4320,
4424, 4624, 4626, 5182, 5303,
5544, 5636 of 2020
and connected Miscellaneous Petitions
07.07.2021

PM(CO)
KB(20.07.2021) 15P 19C