



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.19106 of 2016

and

W.M.P. (MD)Nos.13801 and 21986 of 2016

WEB COPY

K.Saranya

.. Petitioner

Vs.

1.Government of Tamilnadu,
rep. by its Chief Secretary,
Fort St.George, Chennai-9.

2.Tamil Nadu Public Service Commission,
rep. by its Chairman,
No.1, Creams Road,
Chennai-6.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue the petitioner an order of appointment to the post of Stenographer Grade-III in any one of the department as notified in Notification No.14/2012 issued by the second respondent.

For Petitioner : Mr.K.Neelamegam

For Respondent No.1 : Mr.A.Karthik
Government Advocate

For Respondent No.2 : Mr.D.Sivaraman
Standing Counsel

O R D E R

This writ petition has been filed for a direction to the respondents to issue an appointment to the petitioner to the post of Stenographer Grade-III in any one of the department as notified in Notification No.14/2012 issued by the second respondent.

2. The case of the petitioner is that the petitioner belonged to Backward Community and she had obtained a Bachelor Degree in Commerce in the year 2012 and Typewriting Senior Grade in both Tamil and English, and Senior Grade in Shorthand Tamil and Junior Grade in Shorthand English. The second respondent issued notification for filling up the posts under Group-IV category including Stenographer through direct recruitment in the year 2012. The petitioner appeared for the examination for Stenographer Grade-



III and passed in the written examination and received a call letter for certificate verification. Accordingly, she appeared for certificate verification on 27.02.2014 and she was informed that she would get appointment order within some months. However, no appointment order was issued to the petitioner whereas the same batchmate of the petitioner, who appeared for certificate verification on the same day, was given appointment. Hence, the petitioner has approached this Court with the above said prayer.

3.The learned counsel for the petitioner would submit that though the petitioner has secured necessary marks in BC category and appeared for certificate verification, she was not given appointment to the post of Stenographer Grade-III under Group-IV category without furnishing any reason. Hence, he prays to issue a direction to the respondents to appoint the petitioner in any one of the vacancy post under Group-IV category.

4. The learned Standing Counsel appearing for the second respondent/TNPSC filed counter and would submit that due to the change in technical qualification, the petitioner's ranking position got changed and hence, she did not reach the zone of selection in the respective communal category. Therefore, the relief sought for in this writ petition cannot be maintainable and accordingly, prays for dismissal of this writ petition.

5. Heard the submissions made by both side counsels and perused the materials placed before this Court.

6. In the counter affidavit, the second respondent clearly established the reasons for the non-selection of the petitioner. For better appreciation, the relevant paragraphs are extracted hereunder;

*"3. It is submitted that the candidate K.Saranya [Registration No 19212071] had applied for the post of Steno-Typist Grade-III included in Group-IV services 2007-2008 to 2012-2013 in Tamil Nadu Ministerial Service through online mode and in her online application, she had wrongly claimed in the column related to Technical Qualification that she has passed the Typewriting English and Tamil Senior Grade and Shorthand English and Tamil Senior Grade. Based on the claim made by the candidate in her online application, she was assigned with a rank and called for certificate verification on 24.02.2014. **At the time of certificate verification, it was found that she has passed the Type writing Tamil and English both Senior Grade and Short Hand Tamil Senior Grade and Short Hand English Junior Grade.** At the time of counselling itself she was informed about this mistake and that her rank will be suitably changed based on her actual qualification. The petitioner is*



put to strict proof of her averment in para 4 of the affidavit that she was told that she would get appointment order in few months and the same is denied as false.

4. It is submitted that the candidate belongs to BC community and the mark secured by her in the written examination is 99. The candidate's educational qualification is HSC. The cut off marks for the post of Stenographer Gr-III under BC community are as follows:-

1st Phase

BC (General) -4 Higher / Degree / 11.04.1979 /148.50
BC (General) TM -4Higher/ HSC/Diploma /
20.01.1990/147.50
BC (Women) -4 Higher/HSC/Diploma /06.05.1992/145.50
BC (Women) TM -4 Higher / Degree /01.02.1976 / 141.00

IVth Phase (ie., last phase)

BC (General) - 3 Higher / I Lower / PG Degree /
24.06.1980 / 193.50

BC (General) TM - 3 Higher / I Lower / Degree /
17.11.1986 / 193.50

BC (Women) - 3 Higher / 1 Lower / Degree /
25.05.1976 / 189.00

BC (Women) TM- 3 Higher / 1 Lower / Degree /
01.04.1967 / 187.50

6. In the above said circumstances, it was found during the Certificate Verification that the candidate actually possessed Senior Grade in Shorthand Tamil and Junior Grade in Shorthand English only and she had entered her qualification wrongly in the application. Therefore, the modification in the rank position is inevitable.

7. It is submitted that the changes of **Technical Qualification has** to be updated for the petitioner / candidate of K.Saranya (**Reg.No.19212071**) and after the change in technical qualification, her ranking position got changed and consequently, **she did not reach the zone of selection in the respective communal category."**



7. On perusal of the counter affidavit reveals that in view of the change in the technical qualification, the petitioner's ranking position got changed in BC category and hence, the prayer sought for in the present writ petition cannot be granted.

8. Accordingly, this Writ Petition stands dismissed. No costs. Subsequently, connected miscellaneous petitions are also dismissed. However, liberty is granted to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Secretary,
Government of Tamilnadu,
Fort St.George, Chennai-9.
2. The Chairaman,
Tamil Nadu Public Service Commission,
No.1, Creams Road,
Chennai-6.

+1 CC to M/s.SPL GP (SR-7906[F] dated 01/03/2021)

+1 CC to Mr.P.SUBBIAH, Advocate (SR-8227[F] dated 02/03/2021)

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26.02.2021

VB (16.03.2021) 4P 5C