



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN  
AND  
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 306 of 2022

Teacher Recruitment Board  
Rep. by its Member Secretary,  
DPI Campus, College Road,  
Chennai-600 099.

... Appellant/Respondent

-vs-

1. G.Kanmani ... 1<sup>st</sup> Respondent/Petitioner
2. The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 099. .... 2<sup>nd</sup> Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 22.09.2021 passed in W.P.No.17780 of 2018 of this Court by allowing the Writ Appeal.

Prayer in WP.No.17780 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Ceriorarified Mandamus, calling for the records of the second respondent herein in Na.Ka.No.4480/R5/2018/18.07.2018 and to quash the same and consequently direct the respondents to consider the petitioner as a person who studied in Tamil Medium (PSTM) for the purpose of appointment to the post of P.G. Assistant (Commerce) and accordingly direct the respondent to select and appoint the petitioner to the post of P.G. Assistant (Commerce) with attendant monetary and service benefits. (Prayer amended vide order dated 09.07.2019 made in WMP.No.3778/2019 in W.P.No.17780 of 2018 by VPNJ).

For Appellant : Mr.K.V.Sajeev Kumar  
Special Government Pleader

For Respondents : Ms.Dakshayani Reddy (R1)



## J U D G M E N T

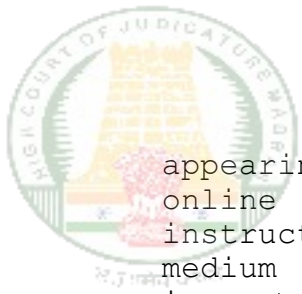
S.VAIDYANATHAN., J  
and  
MOHAMMED SHAFFIQ., J

The Present Appeal has been preferred against the order dated 22.09.2021 passed in W.P.No.17780 of 2018, in allowing the Writ Petition.

2. The Writ Petitioner is the 1st Respondent herein, who applied for the post of P.G.Assistant (Commerce) Grade I for the year 2016-2017, pursuant to the notification dated 09.05.2017 issued by the Teachers Recruitment Board/Appellant herein. The candidature of the Writ Petitioner was rejected on the ground that the candidates who fell under the category of Persons Studied Under Tamil Medium (PSTM) alone would be considered and that she has disclosed the medium of Instruction as English and hence her candidature has been rejected. That apart, in the order impugned in the Writ Petition, it has been stated that though the Writ Petitioner has secured 82 marks in B.C. (General category), she failed to mention the mode of education as Tamil Medium in the online application, due to which she was not called for certificate verification. It is stated that on 06.07.2018 itself, the Appellant herein has completed the examination process and results have been published. It is further stated that as the petition from the candidate was received only on 09.07.2018, she was not selected to the post of P.G.Assistant under PSTM category.

3. The learned Single Judge relied upon the Judgment of the Hon'ble Supreme Court in the case of Dolly Chhnada Vs. Chairman JEE and others reported in 2005 (9) SCC 779, wherein it is held that every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature. Further, the learned Single Judge has taken note the order of the learned Single Judge in the case of K.Ganapathy Vs. Member Secretary, TNPSC, Chennai passed in W.P.No.9289 of 2020 dated 05.02.2001, wherein it is held that minor error inadvertently committed by a candidate, should not deprive his valuable right of granting employment in public service. In the light of the aforesaid decisions, the learned Single Judge held that non uploading of PSTM certificate by the Writ Petitioner, owing to the belated issuance can be termed to be a "minor infraction" and the minor infraction of the clauses in the notification, could be condoned and thereby allowed the Writ Petition. Challenging the same, the present Writ Appeal has been preferred by the Appellant.

4. Mr.Sajeev Kumar, learned Special Government Pleader



appearing for the Appellant vehemently contended that in the online application, the Writ Petitioner indicated the medium of instruction as English and in the employment registration, the medium of instruction relating to the courses she offered for, is not mentioned and therefore the Writ Petitioner was not included in the list of candidates called for certificate verification under PSTM category. He further submitted that the Appellant has completed the selection process and all vacancies notified were already filled up and therefore, the Writ Petitioner could not be considered for selection at this length of time.

5. The learned counsel appearing for the First Respondent/Writ Petitioner contended that in paragraph 13 of the affidavit filed in support of the Writ Petition, it has been categorically mentioned that Appellant again published the second list of selected candidates on 10.07.2018, in which few names of the candidates, whose medium of instruction was not Tamil were selected and only after coming to know of the same, the Writ Petitioner has approached this Court by filing the Writ Petition.

6. Heard both sides. Perused the records.

7. The learned Single Judge, has rightly taken note of the fact that minor mistakes cannot necessarily result in rejection of the candidature. The avement made in respect of publication of second list in paragraph 13 of the affidavit filed in support of the Writ Petition has also not been disputed by the Appellant, before the Writ Court.

8. Hence, we are of the view that there is no infirmity in the order of the learned Single Judge in granting relief to the Writ Petitioner. As the time granted has already expired, one month's time from the date of receipt of a copy of this order is granted to consider the case of the Writ Petitioner under PSTM category and include her candidature in the list to the post of P.G.Assistant (Commerce), if she is otherwise qualified.

Accordingly, this Writ Appeal is dismissed with the aforesaid directions. No costs.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

arr



To

1. The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 099.
2. The Member Secretary,  
Teacher Recruitment Board,  
DPI Campus, College Road,  
Chennai - 99.

+1cc to M/s.Dakshayani Reddy, Advocate, S.R.No.11187

W.A.No. 306 of 2022

VBM(CO)  
SU(18/04/2022)