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W.P.No.6237 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.No.6237 of 2019
and
W.M.P.No.7085 of 2019

M.Ilavarasi

... Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai – 600 003.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent TNPSC to permit this petitioner to participate in the counseling held from 03.12.2018 for the posts included in Combined Civil Services Examination-IV (Group-IV Services).

For Petitioner : Mr.V.Arunagiri

For Respondent : Ms.G.Hema
Standing Counsel



W.P.No.6237 of 2019

ORDER

WEB COPY The prayer sought for in the writ petition is a writ of mandamus directing the respondent/Tamil Nadu Public Service Commission (“TNPSC” for brevity) to permit the petitioner to participate in the counseling held from 03.12.2018 for the posts included in Combined Civil Services Examination-IV (Group-IV Services).

2.The petitioner submitted application for the Group-IV examination, which was notified by the TNPSC by Notification No.23 of 2017, dated 14.11.2017, where the petitioner was allotted the Registration No.070119049, through online.

3.It is the further case of the petitioner that, while applying for the posts included in the Group-IV Examination, the medium of instruction mentioned in the One Time Account got automatically adopted to the application for the post, so, in the application also, the petitioner's medium of instruction was mentioned as “Tamil” instead of “English”. Later on, the respondent had conducted the examination on 11.02.2018.



W.P.No.6237 of 2019

4. Thereafter only, after realising the said mistake that the petitioner wrongly claimed that she studied through Tamil Medium, she also submitted a letter, dated 05.09.2018, and requested the respondent to permit the petitioner to rectify the mistake committed in the online application. However, there was no response from the respondent, and in the meanwhile, the result was also published in the website, showing the rank of the candidates. The petitioner belongs to Scheduled Caste – Adi Dravidar Community, and she completed her M.Sc. Degree, and as per the results, the overall rank of the petitioner for the Typist Category is 3147 and the communal rank is 347.

5. The petitioner, after having completed the written examination, was asked to upload the certificates in their website, to verify the certificates, from 30.08.2018 to 18.09.2018. Accordingly, it was the claim of the petitioner that the petitioner uploaded the certificates for verification. As per the note appended to the communication, the petitioner was permitted to upload a letter, if the petitioner had given a wrong information in the application. Therefore, according to the petitioner, she had given such a letter on 05.09.2018 and uploaded the same to the TNPSC website, stating



W.P.No.6237 of 2019

that, she had mistakenly claimed that she studied through Tamil Medium, however, she studied only in English Medium, and therefore, according to her, she made a claim accordingly.

6.Despite, according to the petitioner, this rectification having been uploaded on 05.09.2018, the names of the candidates selected for counseling were published through website on 26.11.2018, where, the petitioner was not called for counseling. Hence, the petitioner, in order to include the name of the petitioner for counseling, has approached this Court by filing the present writ petition.

7.Heard Mr.V.Arunagiri, learned counsel appearing for the petitioner, who would submit that, though the petitioner has not claimed the quota under PSTM, i.e., Tamil Medium students, it has been wrongly mentioned in the application with the said claim. Subsequently, after realising the mistake, the petitioner filed a rectification by letter, dated 05.09.2018, and uploaded the same, as time was given up to 18.09.2018, the same ought to have been accepted by the TNPSC, and the rectification ought to have been effected, based on which, the petitioner's candidature should have been



W.P.No.6237 of 2019

considered for further process of the application by calling her for counseling, whereas, the name of the petitioner has not been included in the list, and subsequently, the petitioner came to know that her application was rejected, because, she made a wrong claim under PSTM quota, whereas, the petitioner had not produced relevant certificate and no rectification also had been effected within the time stipulated, i.e., on or before 18.09.2018 and therefore, accordingly, they seem to have rejected the application. The action on the part of the respondent/TNPSC in rejecting the application *in limine*, without considering the rectification made by the petitioner in this regard, is unlawful, and therefore, the petitioner is entitled to attend the counseling. Hence, the learned counsel appearing for the petitioner seeks indulgence of this Court to issue suitable direction by way of mandamus.

8.However, Ms.G.Hema, learned Standing Counsel, appearing for the respondent/TNPSC, would submit that the Notification No.23 of 2017, dated 14.11.2017, invited applications for Combined Civil Services Examination-4 (Group-IV) upto 13.12.2017, for the years 2015-16, 2016-17 and 2017-18, contains so many conditions imposed on the candidates, in the said notification, *inter alia*, the following conditions are relevant, viz.,



W.P.No.6237 of 2019

Conditions 12(J) and (M), which read thus :

WEB COPY **“12. GENERAL INFORMATION :**

.... **(J)** *Evidence for claims made in the online application should be uploaded/submitted in time when called for the documents. Any subsequent claim made thereafter on submission of online application will not be entertained. Failure to submit the documents within the stipulated time limit will entail rejection of the Application.*

...

(M) *Incomplete applications and applications containing wrong claims or incorrect particulars relating to category of reservation/other basic qualification/ eligibility wise/ age/ communal categories/ educational qualification/ physical qualification and other basic eligibility criteria will be liable for rejection.”*

9. These conditions make it clear that, evidence for claims made in the online application should be uploaded/submitted in time, when called for the documents and any subsequent claim made thereafter, on submission of online application, will not be entertained and failure to submit the documents within the stipulated time limit will entail rejection of the application. The said conditions further state that, incomplete applications



W.P.No.6237 of 2019

and applications containing wrong claims or incorrect particulars relating to category of reservation, other basic qualification, educational qualification, physical qualification, etc., will be liable for rejection.

10.By citing these two clauses of the notification, the learned Standing Counsel would further invite the attention of this Court that, even though, subsequently time was given to all such candidates like the petitioner to rectify the mistakes and upload whatever documents which are available with them, in support of the claim made by the candidates concerned, for which, a note in detail has been issued on 27.08.2018 by the TNPSC, where, the time was given between 30.08.2018 and 18.09.2018, and those original certificates should be scanned and re-uploaded in the website, the petitioner, admittedly, has not uploaded any such documents or letter or request for rectification of such wrong claim made by the petitioner, as if she belongs to PSTM Quota.

11.Since, the petitioner has not filed any such rectification on or before 18.09.2018, the cut off date, and if some documents have been uploaded on 05.09.2018, as claimed by the petitioner, wherein also, no such



W.P.No.6237 of 2019

claim has been made by the petitioner, stating that her wrong claim, as if she is a Tamil Medium candidate, is given up by her, and she wants to be considered as an English Medium candidate or General candidate without having considered for any reservation under PSTM Quota, the TNPSC had no other option, except to reject the application, in tune with Clause 12 referred above, as well as the cut off date fixed by the communication, dated 27.08.2018. Accordingly, the application of the petitioner have been rejected, and the petitioner was not considered to be one of the successful candidates for further process, i.e., counseling, and hence, the question of calling the petitioner for counseling or any further examination or examinations, does not arise. Hence, the prayer now sought for by the petitioner, by way of mandamus, is untenable, or has no merits, and thus she wants dismissal of the writ petition.

12.I have considered the rival submissions made by the learned counsel appearing for the parties and perused the materials placed before this Court.



W.P.No.6237 of 2019

13.The admitted fact is that the petitioner did make a claim with the TNPSC, when she made an application through online, that she belongs to PSTM, and accordingly, she claimed under the Quota. Subsequently, she realised the mistake that she was not eligible to claim such quota, as she was an English Medium candidate. Therefore, in order to rectify the mistake, when time was given between 30.08.2018 and 18.09.2018, whether the petitioner had made such a rectification of the mistake committed by her, or not, is the question now. In this context, the learned counsel appearing for the petitioner, relied upon the documents uploaded by the petitioner to the TNPSC website, through online, by TNPSC Online Document Upload Receipt, using Candidate Log-in ID 12747178, where, 12 such documents seem to have been uploaded by the petitioner, where, the learned counsel relies upon Sl.No.8, showing “Other Documents”.

14.However, it is to be noted that, in Sl.No.9, the petitioner claimed that, as if she has uploaded a document called “PSTM Certificate”, which is nothing but a certificate of Tamil Medium Student.



W.P.No.6237 of 2019

15.Had she uploaded the PSTM Certificate on 05.09.2018 in the TNPSC website, there was no chance for the petitioner to make a claim or rectification, by way of request or letter that she does not belong to PSTM.

16.Even though, it was claimed by the learned counsel appearing for the petitioner that, in the category of “Other Documents”, the petitioner had made request to rectify the mistake committed by her, the said claim made by the learned counsel for the petitioner, since was stoutly denied by the learned counsel appearing for the respondent/TNPSC, and also in view of the fact that, since the petitioner has also uploaded the certificate for Tamil Medium students, i.e., PSTM Certificate, even at the time of uploading the documents on 05.09.2018, and consciously, the petitioner had made a claim as a PSTM candidate, at that time, there could have been no chance for the petitioner even to think of to make a rectification that she does not belong to PSTM and her claim is only under the other category, i.e., English Medium candidates, like any other persons other than PSTM candidates.

17.Therefore, upto 18.09.2018, no such claim had been made by the



W.P.No.6237 of 2019

petitioner. Though a copy of the letter, which is in manuscript, dated 05.09.2018, has been filed in the typed set of documents, which has been relied upon by the petitioner, as if that this is the document submitted on 05.09.2018, there is no proof to show that this document had been uploaded in the TNPSC website on 05.09.2018.

18.That apart, when the petitioner has uploaded the PSTM Certificate in one among the 12 Nos. of Certificates, which were uploaded on 05.09.2018, the contrary document, i.e., the letter dated 05.09.2018, could not have been uploaded by the petitioner, and therefore, it is an afterthought, where, the petitioner has made this letter and filed before this Court, for which, absolutely, there is no proof to substantiate that the said letter, dated 05.09.2018, also had been uploaded on 05.09.2018.

19.If at all, there is subsequent attempt, to make rectification or to send such letter dated 05.09.2018, after 18.09.2018, that will not have any use or advance the case of the petitioner to claim that she has made the rectification request in time.

20.The Note issued by the TNPSC, dated 27.08.2018, has made it



W.P.No.6237 of 2019

clear that, on or before 18.09.2018, such rectification, by uploading of the documents, should have been made, and since the petitioner has not uploaded the document or rectified the mistake on or before 18.09.2018, as there is no proof to show that there was a letter, dated 05.09.2018, uploaded on 05.09.2018 itself, as claimed by the petitioner. The claim now made by the petitioner that the rejection of the petitioner's application on the ground that she has not rectified her mistake on or before 18.09.2018 by uploading the proper documents, is untenable, cannot be accepted, and therefore, the application submitted by the petitioner is liable to be rejected in view of the Clauses 12(J) and (M), referred above, of the notification.

21.In the result, the writ petition fails, and hence, no orders can be granted, and accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2022

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Internet :Yes

Page 12 of 14



W.P.No.6237 of 2019

Index : Yes / No

Speaking order / Nonspeaking order

WEB COPY

To

The Secretary,
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R. SURESH KUMAR, J.



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W.P.No.6237 of 2019

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W.P.No.6237 of 2019

08.08.2022