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W.P. No.24089 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.24089 of 2022
and
WMP Nos.23071 and 23072 of 2022

Hepzibah Anita

...Petitioner

VS.

The Chairman,
Teachers' Recruitment Board,
4th Floor,
EVK Sampath Maaligai,
College Road,
Chennai.

... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the candidature of petitioner for the post of Post Graduate Assistants / Mathematics by considering her representation dated 03.09.2022.

For petitioner	: Mr.D.R. Arun Kumar
For respondent	: Mr.R. Neelakandan, Additional Advocate General Assisted by Mr.C. Kathiravan, Spl. Govt. Pleader.



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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the candidature of the petitioner for the post of Post Graduate(P.G.) Assistant (Mathematics) by considering her representation dated 03.09.2022, within a time frame to be fixed by this Court.

2. The grievance of the petitioner is that by inadvertence in the column mentioned for the category under which the petitioner is applying for P.G. Assistant post, the petitioner has left the said column blank, even though she has applied only under the PSTM category. The petitioner has been provisionally selected for appointment to the post of P.G.Assistant (Mathematics), but however, she has not been called for certificate verification and her results have been withheld on the ground that she has not disclosed in her application while applying for the said post that she is applying under the PSTM category. The petitioner has produced documents along with this writ petition to substantiate her claim that she is well qualified to apply under the PSTM category, but only due to inadvertence, she has left the column in the application blank. The petitioner has given a representation on 03.09.2022 to the respondents requesting them to consider her candidature for the post of



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P.G.Assistant(Mathematics) based on the provisional selection list under the PSTM category as she has applied for the said post only under the said category. Since the representation has not been considered, the petitioner has filed this writ petition.

3. A counter affidavit has been filed by the respondent reiterating that the petitioner has not disclosed in her application form that she has applied for the post under the PSTM category and therefore, she is not eligible to be appointed as P.G. Assistant under the said category. According to them, they have rightly withheld the petitioner's name from the provisional selection result for certificate verification and therefore, as a matter of right she cannot claim to seek appointment as a P.G.Assistant.

4. Heard Mr.D.R. Arun Kumar, learned counsel for the petitioner and Mr.R. Neelakandan, learned Additional Advocate General, assisted by Mr.C. Kathiravan, learned Special Government Pleader for the respondent.

5. The learned counsel for the petitioner drew the attention of this Court to the following authorities in support of his submission that in case of an inadvertent mistake, the right of any candidate to join public service cannot be deprived :-



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a) The order of the learned Single Judge of the Hon'ble Supreme Court, dated 19.03.1980 in Civil Appeal Nos.641-644 of 1980 in the case of ***Charles K.Skaria and Ors. Vs. C. Mathew and Ors.***

b) The order of the learned Single Judge of this Court dated 05.02.2021 in W.P. No.4700 of 2020 in the case of ***M.Abiramadevi vs. The Secretary and Another.***

c) The order of the learned Single Judge of this Court dated 07.07.2021 in W.P. (MD) Nos.13825, 5981 of 2020 in the case of ***Nelaparnisha versus Tamil Nadu Public Service Commission***, reported in ***MANU/TN/4905/2021***.

d) The judgment of the Division Bench judgment of this Court in the case of ***The Secretary and another V. M.Abiramadevi***, dated 12.08.2021 passed in W.A. No.1171 of 2021.

6. In the aforementioned authorities, relied upon by the learned counsel for the petitioner in case of any inadvertent mistake in the application form of a candidate, seeking appointment in public service, the learned judges have held that a person cannot be deprived the right to join public service just because she has committed an inadvertent mistake in



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the application form. The petitioner has not been called for certificate verification only on the ground that in the application form submitted by the petitioner seeking for appointment inadvertently she has not disclosed that she is applying under the PSTM quota, even though she has produced all the necessary documents, which will prove that she has applied only under the said quota. Being an inadvertent mistake, this Court is of the considered view that the respondents will have to consider the petitioner's request calling her for certificate verification based on the provisional selection result earlier declared by the respondent Board. The petitioner has given a representation for the said purpose on 03.09.2022.

7. No prejudice would be caused to the respondent, if the petitioner's representation is considered on merits and in accordance with law, as till date, no appointment orders have been issued as per the provisional selection result.

8. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 03.09.2022 seeking for her appointment to the post of P.G. Assistant(Mathematics) based on the provisional selection result and call her for certificate verification after giving due consideration and pass final orders on merits and in



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accordance with law in the light of the decisions referred to supra, within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is found to be eligible for selection, issue appointment orders in her favour accordingly.

9. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2022

Note : Upload order copy on 14.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To :
The Chairman,
Teachers' Recruitment Board,
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EVK Sampath Maaligai,
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ABDUL QUDDHOSE, J.

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