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W.P.No.31953 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31953 of 2018
and W.M.P.No.37188 of 2018
and W.M.P.No.26514 of 2022

Miss.M.Bagyalakshmi

...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 respondent TNPSC to permit this petitioner to participate in the counseling to be held from 03.12.2018 for the posts included in Combined Civil Services Examination -IV (Group-IV services).

For Petitioner : Mr.V.Arunagiri

For Respondents : M/s.G.Hema
for TNPSC



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W.P.No.31953 of 2018

ORDER

The relief sought for the in the present writ petition is to direct the respondent Tamil Nadu Public Service Commission to permit the petitioner to participate in the counseling to be held from 03.12.2018 for the post included in the Combined Civil Services Examination Group IV Services.

2.The petitioner, pursuant to the Notification for selection to Group IV services participated and was successful in the written examination. The learned counsel for the petitioner made a submission that the petitioner was selected, however, not issued with an order of appointment since there was a mistake in the date of birth of the writ petitioner. The actual date of birth of the writ petitioner is 30.12.1993. The petitioner has inadvertently stated his date of birth as 31.12.1993.

3.The learned counsel for the petitioner made a submission that the petitioner has subsequently corrected the mistake through letter dated



W.P.No.31953 of 2018

06.09.2018, which was uploaded in the TNPSC website. Since, the petitioner had corrected the date of birth and accordingly, the mistake occurred in the original application, he is entitled for selection and appointment to the post of Group IV services.

4.The learned counsel appearing on behalf of the respondent Tamil Nadu Public Service Commission made a submission that lakhs and lakhs of candidates are participating in the process of selection for appointment to Group IV services. Therefore, the Rules regarding the recruitment is to be scrupulously followed. In the event of granting any leniency or otherwise, then it will affect the prospects of hundreds of candidates and more so, the similarly placed candidates who have committed such mistakes would also claim the same benefits and in such circumstance, the Tamil Nadu Public Service Commission would not be in a position to finalize the selection and therefore, the case of the writ petitioner deserves to be rejected.

5.Regarding the facts established, the learned counsel for the respondent made a submission that two opportunities were granted to the candidates to



W.P.No.31953 of 2018

correct the mistakes in application submitted through online. Correction of mistakes are to be done by availing the opportunity provided on two occasions. In the present case, the last opportunity was given to the candidates to correct the mistake on or before 10.01.2018. The petitioner had not corrected the mistake regarding the date of birth by availing the said opportunity provided by the Tamil Nadu Public Service Commission. Even as per the letter submitted by the petitioner, he made corrections only on 06.09.2018, after a lapse of about eight month from the date of expiry of the last date provided for correcting mistakes by Tamil Nadu Public Service Commission.

6.The learned counsel for the respondent made a submission that in the event of selecting the petitioner, despite the fact that he has not corrected the mistake by availing the opportunity provided by Tamil Nadu Public Service Commission, thousands of candidates who have committed such mistakes would also come forward for inclusion of their names in the selection list and in such event, the entire selection process will be paralyzed and thus, the claim in this regard cannot be entertained.



W.P.No.31953 of 2018

7.This Court is of the considered opinion that the mistake seems to be negligible. However, the impact of considering such mistakes positively by the High Court would result in an anomalous situation. Regarding Group IV services, lakhs and lakhs of candidates are participating. Instructions and brochures are issued to the candidates. Candidates are expected to fill up the form with correct material facts and details. For correcting the mistakes, if any occurred, two opportunities were provided to the candidates and therefore, they had an opportunity to recheck the application and effect necessary correction in the online application by availing the opportunities provided by the Tamil Nadu Public Service Commission twice. In spite of that if any candidate has not corrected the mistake, then he is not entitled for selection and their application is liable to be rejected. The Rules regarding the process of selection are to be followed scrupulously. The Courts have repeatedly held that the mistakes in the application if any found is a ground to reject the candidature itself. That being the procedure and the legal proposition settled, the petitioner in the present case, corrected the date of birth after a lapse of about eight months from the last date provided for such correction by the Tamil Nadu Public Service Commission. The



W.P.No.31953 of 2018

issue with reference to the very same selection process was considered by this Court in W.P.No.33674 of 2018 and an order was passed on 23.08.2022. The relevant paragraph 9 & 10 are extracted hereunder:

9.Insofar as the change of date of birth or there is a difference of claim in the date of birth of the petitioner is concerned, since it is a serious issue if the mistake had occurred due to inadvertence or typographical error that could have been very well rectified by the petitioner for which a second chance was given up to 10.01.2018 and this facility would not be given to the candidates in any other recruitment except for Group-IV examination, and when the number of candidates will be in several lakhs, this kind of mistake would be possible to occur and therefore, in order to rectify a second chance is given to the candidates. The said second chance since has not been utilized properly by the petitioner and no such claim has been made that on or before 10.01.2018, she has made the changes, the petitioner is not entitled to be included in the list of candidates called for original certificate verification published on 26.11.2018 for the Group IV examination.

10.Hence, this writ petition fails and it is accordingly



W.P.No.31953 of 2018

WEB COPY

dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

8.In view of the fact that the petitioner committed a mistake in the application and his candidature was rejected, this Court do not find any infirmity in respect of the order of rejection. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

20.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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



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S.M.SUBRAMANIAM, J.

SSR

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