



WEB COPY



W.P.No.720 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	29.09.2023
Pronounced on	20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.720 of 2021
and WMP.Nos.780 & 784 of 2021

Dr.Lydia.J.

... Petitioner

Vs.

1. The Secretary
Tamil Nadu Public Service Commission (TNPSC)
TNPSC Road, Chennai 600 003.
2. The Controller of Examinations
Tamil Nadu Public Service Commission (TNPSC)
TNPSC Road, Chennai 600 003.
3. The Director,
Animal Husbandry and Veterinary Services,
No.571, Anna Salai,
Nandanam, Chennai 600 035.
4. The Managing Director
Tamil Nadu Arasu Cable TV Corporation Limited (TACTV),
Dugar Towers, 6th floor,
No.34 (123), Marshalls Road,
Egmore, Chennai 600 008.

... Respondents



W.P.No.720 of 2021

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus to call for the records of the 2nd respondent and quash the Publication List OT dated 18.12.2020 concerning the Rejection of Petitioner's Online Application Vide No.929000064/Register Number 010002116 published in their Official Website as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequently direct the respondents 1 and 2 to consider the petitioner's email representation dated 21.12.2020 for granting permission to submit Higher Secondary Course Certificate (+2) Mark sheet physically or permit the petitioner to upload the same to the 2nd respondent in order to participate in the Oral Test commencing from 04.01.2021 onwards for the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service.

For Petitioner : Mr.S.L.Sudarsanam

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

ORDER

This Writ Petition has been filed seeking to call for the records of the 2nd respondent and quash the Publication List OT dated 18.12.2020 concerning the Rejection of Petitioner's Online Application Vide No.929000064/Register Number 010002116 published in their Official Website as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequently direct the respondents 1 & 2 to consider the



W.P.No.720 of 2021

WEB COPY

petitioner's email representation dated 21.12.2020 for granting permission to submit Higher Secondary Course Certificate (+2) Mark sheet physically or permit the petitioner to upload the same to the 2nd respondent in order to participate in the Oral Test commencing from 04.01.2021 onwards for the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service.

2. The learned counsel for the petitioner submitted that the petitioner belongs to Backward Class community and native of Kanniyakumari district and she has passed SSLC with 459 marks in the year 1997 and thereafter passed Higher Secondary Course (HSC) in the year March 1999 with 1064 marks with Tamil as her second language. The petitioner has passed out SSLC and HSC at DUTHIE Girls Higher Secondary School (Government aided), Nagercoil and after the completion of Higher Secondary Course, she was selected to join Bachelor of Veterinary Science (B.VSc.,) five year course and she passed out with average grade point of 7.8 out of 10.0 (with Applied Tamil as one subject in the 9th semester) in the year 2005 affiliated to the Tamil Nadu Veterinary and Animal Science University and obtained B.VSc., Degree. Thereafter the petitioner registered the said B.VSc., degree with the Tamil Nadu State Veterinary Council, Chennai and her certificate of Registration Number is 6016



W.P.No.720 of 2021

dated 04.04.2005 and the same was renewed on 10.03.2020 with the Tamil Nadu State Veterinary Council, Chennai and this is the prescribed qualification for the said post.

3. The learned counsel further submitted that the Directorate of Animal Husbandry Department, Government of Tamil Nadu called for applications for temporary Veterinary Assistant Surgeon on contract basis in the year 2018 and the petitioner was selected for the same, based on an oral interview and verification of her certificates by the Directorate of Animal Husbandry Department, Government of Tamil Nadu. The petitioner joined in the Veterinary Dispensary, Poovani, Tuticorin district on 16.11.2018 and thereafter got transferred to Rajakamangalam, Nagercoil Division, Kanniyakumari region where the petitioner is currently posted. This is a renewable eleven month contract and currently renewed contract dated is 26.09.2020 vide ROC.No.28661/M2/2020 on contract agreement basis. This was at the time of filing the writ petition.

4. The learned counsel further submitted that on 19.10.2020 the respondents 1 & 2 had called for the post of Veterinary Assistant Surgeon in



W.P.No.720 of 2021

the Tamil Nadu Animal Husbandry Service on permanent basis through their Official Website and she applied for the said Post through Online Application Vide No.929000064/Register Number 010002116, in which details of her qualification were mentioned, especially her High Secondary Certificate with Certificate number. On the basis of written examination which was conducted on 23.02.2020 by the respondents 1 & 2 the petitioner was provisionally selected and list was published by the 2nd respondent on 19.10.2020 in their website. After the list was published by the 2nd respondent on 19.10.2020 in their website, the 2nd respondent instructed all the candidates to scan and upload their educational certificates through E-Seva centres at their respective places which has been operated by the 4th respondent herein. For all the E-Seva centres in the State of Tamil Nadu, the 4th respondent is solely responsible for its entire operations. While so, on 02.11.2020 at about 11:20 A.M. the petitioner had uploaded all her educational certificates from SSLC to Master Degree through the E-Seva Centre, Kanniyakumari and her entire educational certificates which were scanned and uploaded by one P.Sudha who is a technical person of the said E-Seva Centre. The said technical person P.Sudha (P.SUDHA/TACTV0344) uploaded all her educational certificate vide Application No.929000064. In this regard she paid Rs.70/- towards charges for



uploading educational certificates.
WEB COPY

5. The learned counsel further submitted that after uploading of the educational certificates by all the candidates who are entitled for the post of Veterinary Assistant Surgeon through respective E-Seva Centres at their places and based on the verification on 18.12.2020 the 2nd respondent had published list for oral test in their official website. In the said publication list for oral test published by the 2nd respondent, the petitioner's application Register No.010002116 was listed in the Annexure of Rejection list. In the said Annexure, it was mentioned under the caption that “THE CANDIDATES WITH THE FOLLOWING REGISTER NUMBERS HAVE NOT BE CONSIDERED AS THEIR APPLICATIONS HAVE BEEN REJECTED FOR VARIOUS REASONS” . The petitioner was shocked to see the above list and therefore she immediately approached the 1st respondent's office in Chennai where the Help Desk Counter at the gate informed her that as far as TNPSC was concerned the matter was closed and nothing could be done and she was not allowed to meet the respondent in person nor allowed to talk over phone to anyone in the relevant section in the TNPSC office. Moreover, they refused to divulge the reason for her rejection and said they can give the reason only at the



W.P.No.720 of 2021

WEB COPY

end of the selection process.

6. The learned counsel further more submitted that the petitioner later found that the technical person of E-Seva Centre viz., P.Sudha, (P.SUDHA/TACTV0344) who had uploaded all her educational certificates at E-Seva Centre, had uploaded her SSLC certificate twice instead of uploading of Higher Secondary Course (HSC) certificate. However, in the acknowledgement given by the E-Seva Centre, her Higher Secondary Certificate is being reflected. The entire uploading of certificate was done by the 4th respondent and an acknowledgement was given. The petitioner is no way responsible for the said mistake committed by the technical person of 4th respondent. Immediately on 21.12.2020 the petitioner made a representation along with HSC mark sheet to the 2nd respondent through her email to the respondents 1 & 2 and also to the Helpdesk and grievance email of the 2nd respondent. The 2nd respondent's Helpdesk team had replied that “Kindly call toll free number 1800 425 1002 to get the clear detail” on 25.12.2020 and further more 2nd respondent's website <https://www.tnpsc.gov.in/English/recruitments.html> also clearly states that “Original certificates of the candidates are verified on the day of Oral



W.P.No.720 of 2021

WEB COPY

Test”. and “Further, the candidates who have not been selected, but placed in the Reserve list and also those candidates who have not been selected are also intimated through individual communication. The candidates whose results are withheld pending receipt of certain documents, which they have failed to submit and for receipt of verification reports regarding the claims made by the candidates in respect of their educational qualification, equivalence etc., are also intimated of the same through individual communication” and “withheld results of the selected candidates are released on receipt of the documents and receipt and acceptance of the verification reports etc., by the Commission and their name and other particulars are forwarded to the Government/HODs concerned for issue of appointment orders. The candidates were also informed of the same through individual communication”.

7. The learned counsel further submitted that this clearly states that another chance is given for re-submission of certificates if anything is missing during the time of physical verification of certificates during oral test. Therefore, the petitioner tried to resolve the issue of uploading her HSC certificate once again, but could not be resolved. The rejection list dated 18.12.2020 published by the 2nd respondent is per se illegal and bad in eye of



WEB COPY

law. However, the respondents 1 & 2 did not consider her valid representation.

In fact, she had taken all the certificates in person on 21.12.2020 to the office of the 2nd respondent and produced the same by showing the relevant document.

There was no response and therefore she have no other option except to approach this Court. The rejection list dated 18.12.2020 by the 2nd respondent is challenged in this writ petition. The said rejection list dated 18.12.2020 of the 2nd respondent is illegal, sham, nominal, biased and not sustainable in the eye of law.

8. The learned counsel further submitted that the 2nd respondent failed to consider that already the petitioner has cleared the oral test for the post of temporary veterinary surgeons on contract basis conducted by the Directorate of Animal Husbandry by submitting all the educational certificates including HSC and thereafter joined as temporary Veterinary Assistant Surgeon at Kanniyakumari region and subsequently the petitioner had uploaded the scanned copies of her all educational certificates and for the mistake committed by the 4th respondent the petitioner need not be penalised and the respondents 1 & 2 ought to have allowed the petitioner to participate in the oral test to be conducted from



W.P.No.720 of 2021

WEB COPY

04.01.2021 onwards. The 2nd respondent totally failed to take into account of the fact that the technical person of the 4th respondent had committed mistake by uploading the petitioner's SSLC certificate twice instead of HSC certificate. This error is purely because of oversight of the technical person of the E-Seva centre of the 4th respondent. **Therefore, the 4th respondent is solely responsible for all technical issues and not the petitioner. In view of the said fact, the 2nd respondent had committed error by rejecting the petitioner's Register No.010002116.**

9. The learned counsel further submitted that the 2nd respondent failed to note that without passing of SSLC and Higher Secondary Course, the petitioner cannot be selected to B.VSc., five year degree course which is affiliated to the Tamil Nadu Veterinary and Animal Sciences University. Before rejecting the petitioner's application, the 2nd respondent should be taken into consideration about the candidates credentials before rejecting the same. The petitioner was not given any opportunity to produce her certificate in physical form instead of only relying on Uploaded certificates through online. Further, for the first time the respondents 1 & 2 have introduced the system of uploading the certificates by online through e-



W.P.No.720 of 2021

WEB COPY

seva and therefore sufficient opportunity should be given to the petitioner instead of arbitrarily rejecting the petitioner's application, considering applicant's lack of computer savviness to check and trace the error at the particular website. The petitioner had complied with all other requirements and therefore the petitioner's application ought to have been considered for the oral test instead of rejecting in toto and the representation of the petitioner has not been considered by the 2nd respondent and therefore the petitioner ought to have been given opportunity on the principles of natural justice. Subsequently on 29.12.2020 the 2nd respondent replied stating that the candidate has been given a chance to upload the documents if any which are wrongly uploaded before 06.12.2020 and this was not true and also not within her knowledge until 29.12.2020, when she received this e-mail, so that she might have done the correction.

10. The learned counsel further drew the attention of this Court to the order dated 01.02.2021 in WMP.No.784 of 2021 in W.P.No.720 of 2021 (present writ petition) passed by this Court and the relevant paragraphs are extracted hereunder:-

4. It is saddening to note that once an interim order is



WEB COPY

granted to a person, it is equally applicable to the similarly persons, who filed cases before this Court in time and the Authority concerned, instead of declining the request, ought to have permitted the candidate for counselling and produced the results before this Court in a sealed cover and the act of the Authority in not permitting the petitioner to participate in the counselling is unacceptable, especially when the petitioner has gone to the Centre on the specified date.

5. Hence, taking note of the peculiar circumstances of the case, the benefit of the interim order granted by this Court in W.P.No.1369 of 2021 is hereby extended to the petitioner and the respondents shall conduct counselling to the petitioner in 06.02.2021 (Saturday) and the results shall be kept in a sealed cover and produced before this Court, when the main writ petition is taken up for final hearing.

6. It is made clear that the aforesaid interim order cannot be quoted as a precedent in future and no relief much less interim order will not be granted to the similarly placed persons, who have filed writ petitions with the same relief, after the last date of counselling”.

11. The learned counsel for the petitioner further submitted that the cut of mark was 311 for the petitioner's category whereas the petitioner has secured 339 marks which is much higher than the cut of mark fixed by the Tamil Nadu Public Service Commission.



12. This Court at the time of admitting the writ petition by order dated 25.01.2021 in WMP.No.1543 of 2021 in W.P.No.1369 of 2021 passed the following order:-

“petitioner is permitted to participate in the oral test scheduled to be held on 29.01.2021 and the result shall be kept in a sealed cover. However, the respondents shall proceed to continue with the process of recruitment and the pendency of the writ petition is not a bar to stall the proceedings. At any cost, the direct recruitment procedure and appointment shall not be stopped by the respondents. In case any appointment is made, the same will be subject to the result of the writ petition and the candidates who are selected and appointed shall be informed about this writ petition, as at a later date those persons cannot take a stand that they are not aware about this writ petition. They can get themselves impleaded in the writ petition, if the same is not already disposed of”.

13. The learned Standing Counsel appearing for the respondents 1 & 2 produced a sealed cover containing marks of the petitioners on 10.07.2023 before this Court, however there was some confusion with regard to the category and marks of the petitioners. Therefore, the learned Standing Counsel was directed to furnish the details of the marks secured by



W.P.No.720 of 2021

WEB COPY

each of the candidates in the written examination as well as in the oral test, under each category and under which category they have applied and what is the cut off marks for the candidates under each of the category and whether they come under the zone of consideration. Therefore, the learned Standing Counsel was also directed to instruct the officer concerned to be present before this Court on 14.07.2023 and the Registry was directed to hand over the documents which was submitted by the learned Standing Counsel appearing for the TNPSC under the custody of the Registrar Judicial and posted the case on 20.07.2023 and when the matter was taken up for hearing on 20.07.2023, the learned Standing Counsel appearing for the TNPSC was directed to submit a detailed tabular column consisting of candidates marks obtained in oral and as well as in written test and the category under which he or she applied and the cut off marks for that category and the rank and if not considered for what reason. **All the sealed covers submitted by the TNPSC regarding all the four candidates have been opened and perused by this Court and the same has been returned back to the learned Standing Counsel for the TNPSC. For filing fresh details by the TNPSC in an ordinary cover the case was posted on 24.07.2023.**



W.P.No.720 of 2021

WEB COPY

14. When the matter was taken up for hearing on 24.07.2023, the learned Standing Counsel submitted a detailed chat, in which, it has been stated that the petitioners have reached the zone of consideration, but, there are no vacancies to accommodate the petitioner. This Court also directed the learned Standing Counsel appearing for the TNPSC to file an affidavit with regard to the vacancies available, so as to accommodate the petitioners, namely Dr.J.Lydia, petitioner in W.P.No.720 of 2021 (present writ petition) and posted the case on 10.08.2023.

15. The learned Standing Counsel filed an affidavit dated 20.08.2023 as directed by this Court on behalf of the TNPSC 1 & 2 and the relevant portion is extracted hereunder:-

7. in this regard, it is submitted that for the post of Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service, 2019-2020, 1141 vacancies were notified. Out of 1141 vacancies, 1111 vacancies have been filled. The name and other particulars of the selected candidates were forwarded to the Government vide letter dated 09.02.2021 (I-Phase) & 01.08.2022 (II-Phase) and only 30 Differently Abled Persons vacancies have been carried forward to the next recruitment due to paucity of candidates.

8. It is further submitted that based on the Court orders dated 07.09.2022 in W.P.No.6201 of 2013 and batch cases (Women Reservation cases), 18 petitioner candidates were selected and their names and other



W.P.No.720 of 2021

WEB COPY

particulars were forwarded to the Government, vide letter dated 30.11.2022.

9. Now based on the proposal received from the Government, reserve list for 19 vacancies has been operated, name and other particular of 19 candidates have also been communicated to the Government, vide letter dated 11.07.2023. The details of vacancies filled are as follows:-

10. As on date, the selection has been finalised and all the 1141 vacancies including Reserve Lists have been filled for the post of Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service, 2019-2020 and there are no vacancies left unfilled. Hence, there is no vacancy.

No. of vacancies Notified – 1141

S.No	Selection	No. of vacancies filled
1	1 st Phase	1097
2	2 nd Phase	14
3	Vacancies in the DAP categories, carried forward due to paucity of candidates	30
	Total	1141

Vacancies arose due to not joined/joined and left – 37

No. of vacancies Notified – 1141

S.No	Selection	No. of vacancies filled
4	No. of candidates who were given appointment subsequent to the Hon'ble Court orders dated 07.09.2022 in W.P.No.6201 of 2013 and batch cases	18
5	No. of candidates selected from the Reserve list and Selection list sent to the Government	19
	Total	37

16. The learned Standing Counsel appearing for the 1st & 2nd respondents filed a copy of the position note on behalf of the Secretary, Tamil Nadu Public Service Commission, Chennai in Cont.P.No.309 of 2023 before this Court on 21.09.2023 and the relevant paragraphs are extracted



W.P.No.720 of 2021

hereunder:-

WEB COPY

19. Further, it is submitted that the name and other particulars of the 19 candidates have been forwarded to the Appointing Authority i.e., the Principal Secretary to Government, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department, Secretariat, Chennai-9 vide Commission's letter dated 11.07.2023 and the selected candidates have also been informed through selection intimation memo dated 11.07.2023.

20. In this regard, it is submitted that out of the 16 petitioner candidates, 11 petitioner candidates have been selected in Reserve List, 4 candidates have not been reached the zone of selection in Reserve List and one candidate's application has been rejected as per para 4 (B) of Notification No.32/2019 dated 18.11.2019 since he has not studied Tamil in HSC.

17. Heard both sides and perused the materials available on record.

18. It is pertinent to note that this Court by order dated 01.02.2021 had permitted the petitioner to participate in the oral test scheduled to be held on 14.09.2022 and the result to be kept in a sealed cover. However, the respondents shall proceed to continue with the process of recruitment and the pendency of the writ petition is not a bar to stall the proceedings. At any cost, the direct recruitment procedure and appointment shall not be stopped by the respondents. **In case any appointment is made, the**



W.P.No.720 of 2021

same will be subject to the result of the writ petition and the candidates who are selected and appointed shall be informed about this writ petition, as at a later date those persons cannot take a stand that they are not aware about this writ petition. They can get themselves impleaded in the writ petition, if the same is not already disposed of.

19. Oral test was conducted on 14.09.2022 and the sealed cover containing marks of the petitioners was produced before this Court on 10.07.2023 by the learned Standing Counsel appearing for the respondents 1 & 2, however there was some confusion with regard to the category and marks of the petitioners. Therefore, the learned Standing Counsel was directed to furnish the details of the marks secured by each of the candidates in the written examination as well as in the oral test, under each category and under which category they have applied and what is the cut off marks for the candidates under each of the category and whether they come under the zone of consideration and when the matter was taken up for hearing on 20.07.2023, the learned Standing Counsel appearing for the TNPSC was directed to submit a detailed tabular column consisting of candidates marks obtained in oral and as well as in written test and the category under which he or she applied and the



W.P.No.720 of 2021

WEB COPY

cut off marks for that category and the rank and if considered for what reason.

All the sealed covers submitted by the TNPSC regarding all the four candidates have been opened and perused by this Court and the same has been returned back to the learned Standing Counsel for the TNPSC. For filing fresh details by the TNPSC in an ordinary cover, the case was posted on 24.07.2023.

20. When the matter was taken up for hearing on 24.07.2023, the learned Standing Counsel submitted a detailed chat, in which, it has been stated that the petitioner has reached the zone of consideration, but, there is no vacancy available to accommodate the petitioner. This Court also directed the learned Standing Counsel appearing for the TNPSC to file an affidavit with regard to the vacancies available, so as to accommodate the petitioners, namely Dr.J.Lydia, petitioner in W.P.No.720 of 2021 (present writ petition) and posted the case on 10.08.2023.

21. The cut off mark for the petitioner's category i.e., backward community category is 311 but the petitioner has secured 339 marks above the cut of mark of 311 fixed by the Tamil Nadu Public Service Commission.



W.P.No.720 of 2021

According to the affidavit dated 20.08.2023 filed on behalf of the TNPSC

wherein at para 9 held thus:-

9. Now based on the proposal received from the Government, reserve list for 19 vacancies has been operated, name and other particular of 19 candidates have also been communicated to the Government, vide letter dated 11.07.2023”.

This communication by the Tamil Nadu Public Service Commission to the Government is subsequent to the date on which the sealed cover containing the mark of the petitioner was submitted by the Tamil Nadu Public Service Commission to this Court i.e., on 10.07.2023. The TNPSC would have included the petitioner's name also in that communication since the petitioner has secured higher marks than the cut off mark fixed by the TNPSC. When this Court posed a query to the learned Standing Counsel for the respondents 1 & 2, she replied that the names of the 19 candidates have been communicated to the Government and those candidates pertain to the contempt petition filed before this Court, hence the name of the petitioner could not be included in that list. This Court is not inclined to accept the above submission/contention made by the learned Standing Counsel for the TNPSC.



W.P.No.720 of 2021

WEB COPY

22. This Court by order dated 01.02.2021 in WMP.No.784 of 2021 in W.P.No. 720 of 2021 (present writ petition) has passed the following order :-

4. It is saddening to note that once an interim order is granted to a person, it is equally applicable to the similarly persons, who filed cases before this Court in time and the Authority concerned, instead of declining the request, ought to have permitted the candidate for counselling and produced the results before this Court in a sealed cover and the act of the Authority in not permitting the petitioner to participate in the counselling is unacceptable, especially when the petitioner has gone to the Centre on the specified date.

5. Hence, taking note of the peculiar circumstances of the case, the benefit of the interim order granted by this Court in W.P.No.1369 of 2021 is hereby extended to the petitioner and the respondents shall conduct counselling to the petitioner in 06.02.2021 (Saturday) and the results shall be kept in a sealed cover and produced before this Court, when the main writ petition is taken up for final hearing.

6. It is made clear that the aforesaid interim order cannot be quoted as a precedent in future and no relief much less interim order will not be granted to the similarly placed persons, who have filed writ petitions with the same relief, after the last date of counselling.

23. It is pertinent to note that the oral test was conducted on 14.09.2022 but whereas the sealed cover containing marks was produced before this Court on 10.07.2023 as per the order dated 01.02.2021 which is nearly 10 months after oral test was conducted. In regard to this, the



W.P.No.720 of 2021

WEB COPY

learned counsel appearing for either side submitted that the writ petition got tagged along with the batch of cases pending before the First Bench of this Court which resulted in delay in listing of the case before this Court and after much difficulty these writ petitions were de-tagged and after mentioning it was listed before this Court.

24. On perusal of the position note dated 21.09.2023 filed on behalf of the 3rd respondent in Cont.P.No.309 of 2023 in W.P.No.32792 of 2022 which was filed before this Court by the learned Standing Counsel for TNPSC, **it is crystal, clear and evident that there are four candidates who have not reached the zone of selection in the reserved list and one candidate's application has been rejected as per the para 4 (B) of Notification No.32/2019 dated 18.11.2019 since he has not studied Tamil in HSC. The petitioner having secured 339 marks more than the cut off mark of 311, the respondents 1 & 2 ought to have selected the petitioner for appointment to the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service. However, they failed to do so by flimsy grounds/unsustainable contentions which cannot be countenanced by this Court. It is also pertinent to note that the petitioner was not selected for**



W.P.No.720 of 2021

the reason that she has not uploaded her Higher Secondary Certificate in the official website instead she has uploaded the 10th SSLC certificate twice in the website which is not the fault of the petitioner and it is the technical assistant who uploaded and scanned the certificates in the e-seva i.e., one P.Sudha (P.SUDHA/TACTV0344). Hence the petitioner cannot be blamed for no fault on her and she has been denied the appointment by the 1st & 2nd respondents. It is also pertinent to note that the petitioner is already working as temporary Veterinary Assistant Surgeon on contract basis at Veterinary Dispensary, Poovani, Tuticorin on 16.11.2018 and thereafter got transferred to Rajakamangalam, Nagercoil, Kanniyakumari district where she was currently posted at the time of filing the writ petition on 04.01.2021 and her renewable 11 month contract was also currently renewed on 26.09.2020 vide ROC.No.28661/M2/2020 on contract agreement basis. This itself shows that the petitioner is fully qualified and eligible for appointment to the Veterinary Assistant Surgeon in Tamil Nadu Husbandry Service.

25. The only contention /ground/ reason for non consideration of the petitioner for appointment for the post of Veterinary Assistant Surgeon



W.P.No.720 of 2021

WEB COPY

according to the TNPSC is that she has not uploaded the HSC certificate in the official website as directed by the TNPSC on 19.10.2020. The petitioner on 21.12.2020 itself has given a representation along with the HSC mark sheet to the 2nd respondent through e-mail to the respondents 1 & 2 and also to the Help desk and grievance email of the 2nd respondent and the same was not considered by the 1st & 2nd respondents. There is also some force in the contention of the learned counsel appearing for the petitioner that without qualifying for the HSC the petitioner would not have joined Bachelor of (B.Vs) five years course and rejecting the application dated 18.12.2020 only on the ground of non uploading of the HSC school certificate is not sustainable in the eye of law and this Court is also inclined to accept the above contention.

26. In view of the above factual matrix of the case, this Court is of the considered view that the petitioner has fulfilled all the eligible conditions including the educational qualification for selection and appointment to the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Service. The 1st & 2nd respondents (TNPSC) are **directed to select the petitioner for appointment as a Veterinary Assistant Surgeon in Tamil**



W.P.No.720 of 2021

WEB COPY

Nadu Animal Husbandry Service in the four vacancies which are available as per the position note filed on behalf of the 1st respondent in Contempt Petition No.309 of 2022 or in any other vacancy available as on date within a period of four weeks from the date of receipt of a copy of this order.

27. With the above observation and direction, the writ petition is disposed of. No costs.

20.10.2023

dpq

Index : Yes /No

Speaking Order : Yes/No



W.P.No.720 of 2021

WEB COPY

To

1. The Secretary
Tamil Nadu Public Service Commission (TNPSC)
TNPSC Road, Chennai 600 003.
2. The Controller of Examinations
Tamil Nadu Public Service Commission (TNPSC)
TNPSC Road, Chennai 600 003.
3. The Director,
Animal Husbandry and Veterinary Services,
No.571, Anna Salai,
Nandanam, Chennai 600 035.
4. The Managing Director
Tamil Nadu Arasu Cable TV Corporation Limited (TACTV),
Dugar Towers, 6th floor,
No.34 (123), Marshalls Road,
Egmore, Chennai 600 008.



WEB COPY



W.P.No.720 of 2021

J. SATHYA NARAYANA PRASAD, J.

dpq

W.P.No.720 of 2021

20.10.2023