



WEB COPY



W.P. No. 7718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7718 of 2023

and

W.M.P. Nos. 7916, 7918 and 7920 of 2023

V.Ramkumar

... Petitioner

-VS-

1. The Chief Secretary
Government of Tamil Nadu
Human Resources Management Department
Secretariat, St. George Fort
Chennai – 600 009.
2. The Secretary
Tamilnadu Public Service Commission
TNPSC Road, Park Town
Chennai – 600 003.
3. The Controller of Examination
Tamilnadu Public Service Commission
TNPSC Road, Park Town
Chennai – 600 003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the impugned list of candidates provisionally admitted to Oral Test for appointment by direct recruitment to the Posts included in the Combined Engineering Services Examination published by the Third Respondent on 22.02.2023 and quash the same as arbitrary, illegal and violative of principles of nature justice, insofar as the Petitioner is concerned, and consequentially direct the Third



W.P. No. 7718 of 2023

Respondent to include the name of the Petitioner in the list of candidates admitted to the Oral Test and permit the Petitioner to attend the Oral Test for appointment by direct recruitment to the posts included in the Combined Engineering Services Examination scheduled to be held between 08.03.2023 to 18.03.2023.

For Petitioner : Mr. P.H.Aravindh Pandian
for Mr. Vikram Veerasamy

For Respondents : Mrs. R.Anitha
Special Government Pleader (R1)

Mr. J.Ravindran
Assisted by
Mr. R.Bharanidharan (R2 & R3)

ORDER

Heard Mr. P.H.Aravindh Pandian, Learned Senior Counsel assisted by Mr. Vikram Veerasamy, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing for the First Respondent and Mr. J.Ravindran, Learned Additional Advocate General assisted by Mr. R.Bharanidharan, Learned Standing Counsel for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Tamil Nadu Public Service Commission, which is the Respondent in these Writ Petitions, had by Advertisement No. 613 issued Notification No. 10 of 2022 dated 04.04.2022 inviting applications from eligible candidates only



W.P. No. 7718 of 2023

through online mode upto 03.05.2022 for direct recruitment to the vacancies in the post of Combined Engineering Services.

3. The Petitioner had applied online in furtherance to the said notification, but he was not included in the list of provisionally admitted candidates to on-screen certificate verification published on 22.02.2023 in the official website of the Respondent based on the results of the written examination conducted on 02.07.2022. It is borne out from the record in the entries in the relevant column made by the Petitioner in his online application that he had studied from Classes I to VIII in regular mode but had not produced any supporting documents for the same in respect of Classes I and II, which resulted in rejecting that application. In that backdrop, the Petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution for appropriate directions.

4. Learned Senior Counsel appearing for the Petitioner contends that the Petitioner has obtained the Certificate dated 26.05.2022 from the Head Master, M.M.Middle School, Viswanathapuram, Sengottai and counter-signed by the Block Educational Officer, Tenkasi based on item no.10 of the work of the Sub-Block Assistant Educational Officer I and II of their respective jurisdiction



W.P. No. 7718 of 2023

in respect of Panchayat and Municipal Schools in terms of G.O. Ms. No. 1228, Education, Science and Technology Department dated 30.12.1994 issued by the Government of Tamil Nadu which provides for permission for admission of private students upto Std. V, and as such, the online the application of the Petitioner could not be rejected by the Respondent.

5. It is explained by Learned Standing Counsel for the Respondent that the format of online application specifically provides the options of 'private study' and 'regular course' and when the Petitioner had not correctly made any claim for 'private study' and had instead entered as if he had undergone 'regular course' without any proof for Classes I and II in that regard, he could not be entitled to the benefit of reservation under the category of persons studying Tamil medium, as stipulated in G.O. Ms. No. 82, Human Resources Management (S) Department dated 16.08.2021. The rejection of the application of the Petitioner in this case is justified by referring to the following clauses in the recruitment notification:-

"Clause 5 of the 'WARNING' mentioned in page 1 of the notification.

In respect of recruitment to this post, the applicants shall



W.P. No. 7718 of 2023

mandatorily upload the certificates/documents (in support of all the claims made/details furnished in the online application) at the time of submission of online application itself. It shall be ensured by the applicants that the online application shall not be submitted without uploading the required certificates.

Specifically for candidates claiming PSTM:

Clause 12(B) [internal page page 18] second clause in example

If the prescribed educational qualification is degree, then the candidate should have studied from the First Standard to SSLC, Higher Secondary Course and Degree through Tamil Medium of instruction. (Refer para 14 (R) of Instructions to Applicants).

Clause 12 (iv), (v) and (vi)

(iv) If no such document as evidence for 'PSTM' is available, a certificate from the Principal / Head Master / District Educational Officer / Chief Educational Officer / District Adi Dravidar Welfare Officer / Controller of Examinations / Head / Director of Educational Institution / Director / Joint Director of Technical Education / Register of Universities, as the case may be, in the prescribed format must be uploaded at the time of submission of online applications, for each and every educational qualification up to the educational qualification prescribed.

(v) Failure to upload such documents at the time of



W.P. No. 7718 of 2023

submission of online application as evidence for 'Persons Studied in Tamil Medium' for all 19 educational qualification up to the educational qualification prescribed, shall result in the rejection of candidature after due process.

(vi) Documents uploaded at the time of submission of online application as proof of having studied in Tamil Medium, for the partial duration of any course / private appearance at any examination, shall not be accepted and shall result in the rejection of candidature after due process.

(For further details refer to para. 14 (R) of the “Instructions to Applicants”)

(Clause 12 (I) and (L)

[internal page 20 and 21]

(I) Evidence for all the claims made in the online application should be uploaded at the time of submission of online application. Any subsequent claim made after submission of online application will not be entertained. Failure to upload the documents at the time of submission of online application will entail rejection of application after due process.

(L) Incomplete applications and applications containing wrong claims or incorrect particulars relating to category of reservation / eligibility / age / gender / communal category / educational qualification / medium of instruction / physical qualification / other basic qualifications and other basic eligibility criteria will be summarily rejected after due process.

Clause 15 and 16



W.P. No. 7718 of 2023

[internal page 25 and 26]

15. UPLOAD OF DOCUMENTS:

(a) *In respect of recruitment to this post, the candidates shall mandatorily upload the certificates / documents (in support of all the claims made / details furnished in the online application) at the time of submission of online application itself. It shall be ensured that the online application shall not be submitted by the candidates without mandatorily uploading the required certificates.*

(b) *The applicants shall have the option of verifying the uploaded certificates through their OTR. If any of the credentials have wrongly been uploaded or not uploaded or if any modifications are to be done in the uploading of documents, the applicants shall be permitted to edit and upload / re-upload the documents till two days prior to the prior to the date of examination)*

Refer Annexure V for the list of documents to be uploaded by the Applicants”

16. LAST DATE FOR SUBMISSION OF APPLICATION:

Online applications can be submitted / edited upto 03.05.2022 till 11.59 p.m. after which the link will be disabled and the uploaded documents can be re-uploaded upto 14.06.2022 till 11.59 p.m. (For detailed information, applicants may refer to the “Instructions to Applicants” at the Commission's website www.tnpsc.gov.in).

It has been submitted that compliance of the aforesaid instructions are



W.P. No. 7718 of 2023

mandatory, which cannot be relaxed.

WEB COPY

6. There is a substantial force in the aforesaid contention of the Respondent that when the Petitioner has consciously chosen to make an option in the online application that he had undergone regular course of study for Classes I and II in Tamil Medium, he cannot be permitted to wriggle out of the same by contending that he had not studied Classes I and II and had directly joined Class III without having chosen the mode of private study in the online application.

7. At the same time, such rejection of the application of the Petitioner would only disentitle him to claim the benefit of reservation under the category of persons who studied through Tamil Medium, but would not deprive him of the right to be treated as general candidate entitled to participate in the recruitment in open competition category. This would obviously mean that it is incumbent upon the Respondent to call upon the Petitioner through SMS, e-mail and publication in its official website to appear for oral interview along with all required documents on a specified date for verification, and consider him for appointment as if his name had been included in the list of candidates provisionally admitted to on-screen certificate verification. The final result of



W.P. No. 7718 of 2023

the impugned recruitment shall be published only after completing the aforesaid exercise.

In the result, the Writ Petition is disposed on the aforesaid terms.
Consequently, the connected Miscellaneous Petitions are closed. No costs.

20.03.2023

Maya

Index: Yes/No

Note: Issue order copy by 21.03.2023.

To

1. The Chief Secretary
Government of Tamil Nadu
Human Resources Management Department
Secretariat, St. George Fort
Chennai – 600 009.
2. The Secretary
Tamilnadu Public Service Commission
TNPSC Road, Park Town
Chennai – 600 003.
3. The Controller of Examination
Tamilnadu Public Service Commission
TNPSC Road, Park Town
Chennai – 600 003.



WEB COPY



W.P. No. 7718 of 2023

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 7718 of 2023

20.03.2023