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W.P.No.10011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.10011 of 2023

and

Writ Miscellaneous Petition Nos.10063 and 10064 of 2023

Dr.R.Anitha

... Petitioner

Versus

The Secretary,
Tamil Nadu Public Service Commission,
No.2, TNPSC Road,
V.O.C. Nagar,
Chennai – 600 003.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, short-listing the candidates for physical certificate verification for direct recruitment to the post of Community Officer in Tamil Nadu Urban Habitat Development Board included in the Tamil Nadu Slum Clearance Board Community Development Service, dated 23.03.2023 issued by the respondent herein and to quash the same and consequently direct the respondent herein to permit the petitioner to appoint to the post of Community Officer in Tamil Nadu Urban Habitat Development Board included in the Tamil Nadu Slum Clearance Board



W.P.No.10011 of 2023

Community Development Service based on the examination held on 12.11.2022.

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For petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.Bharanidharan
Standing Counsel

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, shortlisting the candidates for physical certificate verification for direct recruitment to the post of Community Officer in Tamil Nadu Urban Habitat Development Board included in the Tamil Nadu Slum Clearance Board Community Development Service, dated 23.03.2023 issued by the respondent herein and to quash the same and consequently direct the respondent herein to permit the petitioner to appoint to the post of Community Officer in Tamil Nadu Urban Habitat Development Board included in the Tamil Nadu Slum Clearance Board Community Development Service based on the examination held on 12.11.2022.



W.P.No.10011 of 2023

2. The case of the petitioner is that the petitioner studied Master of

Social Work in the year 2003 in Bharathidasan University and also completed Master of Philosophy in First Class with Distinction in the year 2008 in Bharathidasan University and completed Doctorate in the year 2016 in the same University. She worked as a community based Medical Social Worker from 03.12.2004 to 21.10.2005 and thereafter, started teaching as a Guest Lecturer with consolidated pay from 15.09.2014 to 25.04.2019 in the same University and subsequently, she worked as a Student Counsellor of St.Joseph College from 17.06.2019 to 31.04.2020. She also worked as a District Level Officer for Child Protection from 06.01.2021 to 05.01.2022 and from 20.01.2022 to 19.01.2023 and she has been effectively discharging her duties. While so, the respondent issued a Notification No.17/2022, dated 28.07.2022 calling for application for eligible candidates for the direct recruitment to the post of Vocational Counsellor in Medical Education Department included in the Tamil Nadu Medical Subordinate Service and Community Officer in Tamil Nadu Urban Habitat Development Board included in the Tamil Nadu Slum Clearance Board Community Development Service. She applied for the post of Community Officer in the Tamil Nadu Urban Habitat Development Board through Enrolment Application No.2217000152, dated 25.08.2022. She appeared for written examination on



W.P.No.10011 of 2023

12.11.2022 and was allotted with Registration No.0101021102 and the result was published on 15.02.2023 and the petitioner obtained overall rank of 5 and communal rank of 2 and thereafter, she was selected to Onscreen Certificate Verification, based on the result for the post of Community Officer on 20.02.2023. However, in the selection list, dated 23.03.2023 published for physical Certificate Verification, her registration number was not found for the counselling held on 30.03.2023 at the respondent's office without any valid reason. Even though she has adequate experience and also uploaded the Experience Certificate issued by the Institutions, which were available while submitting the application and subsequently, she came to know that the Experience Certificate must be uploaded in a prescribed format of the respondent and upon knowing the same, she has obtained the certificate in the required format for the competent authorities and the same is available with her and despite the same, the respondent has not received the certificates and did not call her for Physical Certificate Verification/interview which was scheduled to be held on 30.03.2023, and it is arbitrary and hence this Writ Petition.

3. The learned Standing Counsel appearing for the respondent/

Tamil Nadu Public Service Commission submitted that the Notification

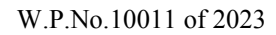
<https://www.mhc.tn.gov.in/judis>



W.P.No.10011 of 2023

No.17/2022 was issued on 28.07.2022 and in the said Notification, applications are invited from the eligible candidates only through on-line mode up to 26.08.2022 for the above said recruitment and the warning is given in bold letters that the applicants are solely responsible for their claim in the on-line application and that the applicants are advised to check the filled-in online application along with required documents before finally submitting the same and the applicants shall mandatorily upload the certificates /documents in support of all the claims made /details furnished in the on-line application at the time of submission of on-line application itself and also it shall be ensured by the applicants that on-line application shall not be submitted without uploading the required certificates.

4. The learned Standing Counsel further submitted that in Paragraph No.15 of the notification in “How to apply” column, it is stated that the applicants have to mandatorily submit all the particulars mentioned in the on-line application will be considered as final and no modifications will be allowed after the last date for submission of the on-line application. The applicants are instructed to fill the on-line application with utmost care and caution. The applicants are permitted to edit the details in the on-line application till the last date stipulated for submission of on-line application



5. In view of the above submissions, it is made clear that all the
e given in bold letters in the prospectus at first page and third page
d the petitioner concerned now pleaded before this Court that she



W.P.No.10011 of 2023

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was unaware about those details and the same has to be corrected stating that she is a meritorious student having secured 5th rank in general quota and community quota. She is a meritorious student and that there is no question about her performance, but when she was applying for particular course, in the notification itself, instructions are given to the candidates and in the very first page itself, it gives warning and also the entire conditions for applying the same, in which, in Page No.22, there is Format of Experience Certificate for the post of Community Officer in Tamil Nadu Urban Habitat Development Board, and the institution or organization which seeks to issue certificate is cautioned that if they issue any certificate containing legal opinion, action would be taken on them.

6. According to respondent, certificates issued by the institution or organization stating that the above said employee is under the institution or organization must be in the format mentioned in Annexure II of the notification. The candidates are supposed to apply only under the said format and submit the same, but the petitioner herein applied on 25.08.2022, whereas the last date for submission was on 26.08.2022 and the application correction window was open from 31.08.2022 to 02.09.2022. The petitioner



W.P.No.10011 of 2023

had an sufficient opportunity to upload the certificate in prescribed format.

The petitioner without making use of the sufficient opportunity given to her had now knocked the doors of this Court for the error committed by her. The reasons stated by the petitioner is not acceptable since she has got two Degrees and Ph.D [Doctorate] in the said subject, she ought to be vigilant while filling the application. As a recruiting authority The Tamil Nadu Public Service Commission is the deciding authority on whether the petitioner's application is to be accepted or not, the respondent is not willing to give any concession to the petitioner and this Court is also not inclined to do so as it will open up Pandaro Box in the recruitment process.

7. Accordingly, this Writ Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petitions stands closed.

30.03.2023
(1/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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W.P.No.10011 of 2023

To

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The Secretary,
Tamil Nadu Public Service Commission,
No.2, TNPSC Road,
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Chennai – 600 003.



W.P.No.10011 of 2023

V.BHAVANI SUBBAROYAN, J.

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(1/2)