



W.P.Nos.11646 of 2023 & 30318 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.11646 of 2023 & 30318 of 2022

and

W.M.P.No.11553 of 2023

S.Sree Priya Dharshini
C/o.S.Sasikala

...Petitioner in both WPs

Vs

1. The Member Secretary
Tamil Nadu Public Service Commission
TNPSC Road
Broadway
Chennai-600 104.

2. The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road
Broadway
Chennai-600 104.

...Respondents
in W.P.No.11646 of 2023

The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road
Broadway, Chennai-600 003.

... Respondent
in W.P.No.30318 of 2022



W.P.Nos.11646 of 2023 & 30318 of 2022

WEB COPY

Writ Petition No.11646 of 2023 filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to give ranking for the mark of 226.50 obtained by the petitioner in the Combined Civil Services Examination Group-IV vide Registration bearing No.0901050142, by taking into consideration of the petitioner's certificate Nos.GTE0755802 and GTE0356535 both in Tamil Shorthand and English Shorthand as "Higher / Senior Grade" and consequently, to call the petitioner for Certificate Verification for the post of Steno-Typist within a time frame.

Writ Petition No.30318 of 2022 filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent to correct the petitioner's online application with regard to the mentioning of Grade in Typing and Shorthand as "Higher / Senior Grade" instead of "Lower / Junior Grade" in the bearing application Number 2270828366 and one time registration I.D. "Sreepriyasivan" by considering the petitioner's representation dated 08.09.2022 within the time frame.

For Petitioner in both WPs : Mr.R.Kamaraj

For Respondents in both WPs : Mrs.G.Hema
Standing Counsel



WEB COPY



W.P.Nos.11646 of 2023 & 30318 of 2022

COMMON ORDER

The Tamil Nadu Public Service Commission / the respondent herein had called for applications for various posts in the Tamil Nadu Ministerial Service, Tamil Nadu Judicial Ministerial Service, Tamil Nadu Secretariat Service, Tamil Nadu Legislative Assembly Secretariat Service, Tamil Nadu Slum Clearance Board Non-Technical Subordinate Service and Tamil Nadu Housing Board Subordinate Service through a Notification No.07/2022 dated 30.03.2022. Among various vacancies declared therein, 2069 + 39 carry forward vacancies were announced for the posts of Typist, 885 + 139 carry forward vacancies were announced for the post of Steno-Typist (Grade-III) and 7 vacancies were announced for the post of Steno-Typist Grade-III. The petitioner herein possesses the basic qualification of Higher Secondary and also possesses the technical qualification of Senior Grade in Shorthand English which she had passed in first class in the examination held in the Month of August 2019 as well as Senior Grade in Shorthand Tamil in second class in the examination held in the month of February 2020. The application was a common online application for all the posts. On 19.04.2022 vide application



W.P.Nos.11646 of 2023 & 30318 of 2022

WEB COPY

No.2270828366, she had submitted her online application. However, by inadvertence, she had given her technical qualification as "Shorthand Lower" instead of "Shorthand Higher", which is the prescribed qualification for Steno-Typist Grade-III. The petitioner, who belonged to MBC category was permitted to take written examination and on securing the marks of 226.50, she was placed in the rank of 298 for the post of Steno-Typist and her overall communal rank is 85. Thereafter, when she realizes that she had wrongly entered her technical qualification as "Junior / Lower" Grade instead of "Higher / Senior" Grade, she has sent a representation dated 25.08.2022 to the respondents seeking for editing the wrong entry. However, when her representation was not considered favourably, she has filed the present writ petitions.

2. By an interim order passed in W.P.No.11646 of 2023 and W.M.P. No.11553 of 2023, the petitioner was permitted to participate in the counselling / certificate verification and the said interim order dated 12.06.2023 reads as follows:

'Heard the learned counsel for the parties.

2. The claim of the petitioner is that, while making the



WEB COPY



W.P.Nos.11646 of 2023 & 30318 of 2022

On-line Application, she had inadvertently given her technical qualification as 'Shorthand-Lower' instead of 'Shorthand-Higher'. She possesses the Shorthand-Higher Certificate even prior to the date of notification. The Hon'ble Supreme Court in the case of Charles K. Skaria Vs. Dr.C.Mathew reported in 1980 (2) SCC 752 which was followed in Dolly Chhanda Vs. Chairman, JEE and Others reported in 2005 (9) SCC 779 had held that every infraction of the rule need not necessarily result in rejection of the candidature. This Court in the case of K.Ganapathy Vs. Member Secretary, TNPSC, Chennai passed in W.P.No.9289 of 2020, dated 05.02.2001 had also held that a minor error inadvertently committed by a candidate, should not deprive his valuable right of gaining employment in Public Service. So also was the view taken in M.Abiramadevi Vs. The Secretary, TNPSC, Chennai and another passed in W.P.No.4700 of 2020, dated 05.02.2021.

3. Since the petitioner was in possession of the required technical qualification as on the date of notification, this Court is of the view that she may be permitted to participate in the physical certificate verification which is yet to be held. The first respondent herein is directed to publish the date of such Counselling / Certificate Verification in their website. On the date of such Counselling / Certificate Verification, the petitioner shall present the copy of this interim order and on production of such order, the respondent concerned shall conduct the necessary Counselling / Certificate Verification and report



W.P.Nos.11646 of 2023 & 30318 of 2022

before this Court in the next date of hearing.

4. Registry is directed to list the matter along with W.P.No.30318 of 2022 on 11.07.2023.'

3. Challenging the aforesaid interim order, the respondents had filed an intra-Court appeal in W.A.No.2666 of 2023, which was dismissed on 29.09.2023 with the observation that even if the appellants conduct the counselling and certificate verification, the process would be provisional and subject to the final decision of the writ petition. It is further observed in the order of the Hon'ble Division Bench that the respondent herein/TNPSC shall abide by the interim order passed by me on 12.06.2023. In spite of certain directions issued by the Hon'ble Division Bench, the respondent/TNPSC had not called the petitioner to participate in the counselling / certificate verification.

4. The learned counsel for the petitioner submitted that apart from the inadvertent mistake made by the petitioner in the application, prescribing technical qualification as "Shorthand Higher / Senior" Grade instead of "Shorthand Lower / Junior" Grade, she is otherwise eligible to



W.P.Nos.11646 of 2023 & 30318 of 2022

be appointed to the post of Steno-Typist (Grade-III).

5. The learned Standing Counsel for the respondents submitted that as per the Notification, when any mistakes are made in the online application and when a candidate fails to exercise the Edit option given after the application is uploaded, the application itself is liable to be summarily rejected.

6. The date of the Notification was on 03.03.2022 and as on the date of the Notification, the petitioner had passed both the Shorthand Senior Grade in English as well as Shorthand Senior Grade in Tamil in August 2019 and February 2020 respectively. In other words, when she had made the online application, she was in possession of essential qualification prescribed for both the posts of Typist / Steno-Typist (Grade-III). When a candidate aspiring to participate in a Combined Civil Service Examination of this nature, makes an inadvertent and minor mistake, this Court as well as the Hon'ble Supreme Court in various decisions have come to the rescue and have condoned such minor discrepancies and directed the Recruitment Agency to consider the



W.P.Nos.11646 of 2023 & 30318 of 2022

candidature in this regard. The Hon'ble Supreme Court, in the case of ***Charles K. Skaria Vs. Dr.C.Mathew*** reported in ***1980 (2) SCC 752*** which was subsequently followed in ***Dolly Chhanda Vs. Chairman, JEE and others*** reported in ***2005 (9) SCC 779***, had held that every infraction of the rule need not necessarily result in rejection of candidature. Likewise, these decisions were followed by me in another judgement in ***Mageshwari*** case [***M.Mageshwari Vs. The Member Secretary, Tamil Nadu Public Service Commission, Chennai, W.PNo.4397 of 2020, order dated 22.09.2021***], wherein I had condoned the minor mistake committed by a candidate in mentioning the Gender as "Male" instead of "Female" and had directed for issuance of provisional appointment order to the concerned Department. Relevant portion of ***Mageshwari*** case reads as follows:

'4. The Hon-ble Supreme Court in the case of Dolly Chhanda Vs. Chairman, JEE and others reported in 2005 (9) SCC 779, had held that every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.

5. A learned Single Judge of this Court in the case of K.Ganapathy Vs. Member Secretary, TNPSC, Chennai passed in



W.P.Nos.11646 of 2023 & 30318 of 2022

W.P.No.9289 of 2020, dated 05.02.2001, had also held that a minor error inadvertently committed by a candidate, should not deprive his valuable right of gaining employment in Public Service. The same view was reiterated in the case of M.Abiramadevi V. The Secretary, TNPSC, Chennai and another passed in W.P.No.4700 of 2020 dated 05.02.2021.

6. In the present case, the petitioner is otherwise qualified to be appointed in the selection process but for the minor mistake committed by her in the application. By applying the ratio held in the above cited decisions, it could be held that such a minor error of mentioning "Male" instead of "Female" as petitioner's gender, should not deprive her of the appointment in the Public Service. This Court has also taken note of the fact that the petitioner herein has already been provisionally appointed as Junior Assistant in the School Education Department with a rider that the appointment would be subject to the outcome of the present Writ Petition.

7. For all the foregoing reasons, there shall be a direction to the respondent herein to ratify the provisional appointment given to the petitioner as a Junior Assistant in the School Education Department, within a period of two weeks from the date of receipt of a copy of the order of this Court. The Writ Petition stands allowed accordingly.'

7. As observed earlier, the petitioner was in possession of the



W.P.Nos.11646 of 2023 & 30318 of 2022

WEB COPY

required technical qualification, as on the date of the Notification and by an inadvertent minor mistake, she had mentioned such technical qualification wrongly. When she realized her mistake, she had immediately given a representation to the respondents to rectify the mistake, after the time granted by the Tamil Nadu Public Service Commission for Editing the online application had expired. By applying the ratio laid down in all the aforesaid decisions and taking into account that the mistake was genuine and an inadvertent mistake, it should not deprive the petitioner of her valuable right to gain employment in the Public Service and hence this Court is inclined to direct the respondents to condone this minor error and subject her to further Recruitment process with consequential direction for inclusion of her name in the selection list.

8. Accordingly, the petitioner is granted liberty to appear before the Tamil Nadu Public Service Commission, Chennai, on or before 28.11.2023 along with original required Educational cum Technical qualification along with other testimonials. On production of a copy of this order along with the aforesaid original certificates, the respondents



W.P.Nos.11646 of 2023 & 30318 of 2022

WEB COPY

herein shall evaluate the same and if found eligible, include the petitioner's name in the final selection list according to her merit. Such inclusion and fixation of merit seniority shall be done within a period of two weeks from the date of finalizing the certificate verification / counselling.

9. With the above directions, these Writ Petitions stand allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.11.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No

mk

To

1. The Member Secretary
Tamil Nadu Public Service Commission
TNPSC Road
Broadway, Chennai-600 104.
2. The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road
Broadway



W.P.Nos.11646 of 2023 & 30318 of 2022

WEB COPY

3.

Chennai-600 104.
The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road
Broadway, Chennai-600 003.



WEB COPY



W.P.Nos.11646 of 2023 & 30318 of 2022

M.S.RAMESH,J.

mk

W.P.Nos.11646 of 2023 & 30318 of 2022

21.11.2023