



W.P.No.17853 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.17853 of 2020
and
W.M.P.No.22139 of 2020

A.Rekha

... Petitioner

/Vs/

1. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road,
Broadway,
Chennai - 600 003.

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

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 2nd respondent to permit the petitioner to upload the scanned copy of the documents in support of



W.P.No.17853 of 2020

her claim made in the online application, for certificate verification, in pursuance to the provisional admission for the post of Assistant Tourist Officer, Grade - II included in Tamilnadu General Subordinate Service 2018 - 2019 and consequently permit the petitioner to participate in the oral test (interview) to be held shortly.

For Petitioner : Mr.A.S.Balaji

For Respondents : Mrs.G.Hema

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the 2nd respondent to permit the petitioner to upload the scanned copy of the documents in support of her claim made in the online application, for certificate verification, in pursuance to the provisional admission for the post of Assistant Tourist Officer, Grade - II included in Tamilnadu General Subordinate Service 2018 - 2019 and consequently permit the petitioner to participate in the oral test (interview) to be held shortly.



W.P.No.17853 of 2020

2.The Petitioner has applied for the post of Assistant Tourist Officer Grade II included in Tamil Nadu General Subordinate Service, 2018-2019.

On seeing the notification for filling up 42 vacancies, the Petitioner applied through online and subsequently, she also appeared for the examination conducted on 29.09.2019. On 18.12.2019, the marks and rank were published and the Petitioner has passed the written examination. On 16.10.2019, list of provisionally admitted candidates was released by the Respondent and certificate verification was called for.

3.The Respondent issued a press release No.38 of 2020 dated 22.10.2020, informing the provisionally selected candidates to upload their documents for certificate verification from 26.10.2020 to 05.11.2020. During that period the Petitioner stayed at Tirunelveli and due to Covid restrictions, the Petitioner need to stay at her native place and during Covid pandemic situation, her husband lost his job and his family shifted to the native place of the Petitioner. Since the Petitioner's native place did not have any e-seva centres, the Petitioner had to go to Manur, even there also the net connectivity was not proper. Despite she tried her level best, even



W.P.No.17853 of 2020

by going to Tirunelveli, she could not upload the documents due to various technical difficulties.

4.On 05.11.2020, the Petitioner tried to contact TNPSC office, but there was no response. The Petitioner has already submitted her representation on 17.11.2020 to the second respondent, as she had no other alternate, she had filed this Writ Petition seeking direction to the second Respondent to permit her to upload the scanned copy of the documents in support of her claim made in the online application, for certificate verification, in pursuance to the provisional admission for the post of Assistant Tourist Officer, Grade - II included in Tamilnadu General Subordinate Service 2018 - 2019 and to permit the petitioner to participate in the oral test (interview).

5.Heard the learned counsel for Petitioner and the learned counsel for the Respondents.

6.The submission of the learned counsel for the Petitioner is on the



W.P.No.17853 of 2020

same line on which the Writ Petition has been filed. He further submitted that the certificates cannot be uploaded not due to the fault of the Petitioner but due to technical difficulties. The Petitioner secured higher marks in the written examination and called for certificate verification, but she could not get the appointment.

7.Learned standing counsel appearing for the Respondents submitted that all the 42 posts have been filled up and even if the relief sought for by the Petitioner is granted, that cannot be of any use to the Petitioner. She further submitted that in a similar case, the request of the Petitioner has not been considered by order of this Court in W.P.No.18210 of 2020 dated 28.07.2023.

8.In every part of the State, normalcy was affected due to Covid pandemic and it was not possible for the candidates to attend examination, apply online or upload certificates, etc. In such practical difficulty, the Respondents could have relaxed the condition of uploading the certificates through online, directly give them an opportunity to produce the



W.P.No.17853 of 2020

certificates. The routine practice has been adopted without taking note of the unnatural situation arose in the State.

9.This Petitioner, who had successfully cleared her written examination and merited herself to the stage of certificate verification was not able to upload her certificates through online mode, due to the pandemic situation.

10.It appears that the Petitioner did not leave any stone un-turned, for complying the condition of uploading the certificates through online, but it was unsuccessful, when she found the difficulty, she immediately contacted the first Respondent Commission, but she could not find any remedy and her written request also not considered by the Commission. Again the Petitioner tried to upload the certificates on 05.11.2020, during that time, the website was closed.

11.There might be orders favouring the Respondents, but the facts remain that the Respondents indifference in mandating the candidates to



W.P.No.17853 of 2020

upload certificates through online unmindful of their adverse situation during the calamity. Hence, I feel it would be proper on the part of the first and second Respondents to consider the special circumstance of Petitioner's case and allow her to upload the certificates through online mode and accord her the appointment, if she is otherwise eligible, if any vacancy is kept reserved or by creating any supernumerary post or by accommodating her on a priority basis, whenever the next recruitment is made.

12. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

11.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai



WEB COPY



W.P.No.17853 of 2020

R.N.MANJULA, J.

sai

To

1. The Secretary,
TNPSC Road,
Broadway,
Chennai - 600 003.
2. Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway,
Chennai - 600 003.

W.P. No.17853 of 2020 and
W.M.P.No.22139 of 2020

11.10.2023