



W.P.No.25672 of 2023 and W.M.P.No.25098 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
29~09~2023	11~10~2023

CORAM:
THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.25672 of 2023 and
W.M.P.No.25098 of 2023

C. Suguna

... Petitioner

vs.

The Secretary,
Tamil Nadu Public Service Commission
Chennai 600003.

...Respondent

Prayer: Writ Petition filed under Section 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent to include the Petitioner (Register No.0404007194) in the Provisional Selection List dated 14.08.2023 and call her for Physical Certificate Verification and counselling for appointment to the Post of Typist included in Combined Civil Services Examination-IV (Group-IV Services) and grant her all consequential benefits.

For Petitioner : Mr. P. Rajendran

For Respondents : Mrs. G. Hema



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ORDER

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This Writ Petition has been filed to issue direction the Respondent to include the Petitioner in the Provisional Selection List dated 14.08.2023 and call her for Physical Certificate Verification and Counselling for appointment to the Post of Typist and grant her all consequential benefits.

2. It is the grievance of the Writ Petitioner that as per the Notification No.07/2022 dated 30.03.2022 for recruitment to the post of Typist included in the combined Civil Services Examination-IV (Group-IV Services), she has applied in MBC and PSTM category. She has secured 240 marks in the written examination and 132 marks in Compulsory Tamil Eligibility Test-cum-Scoring Test. Her overall Rank was shown as 2952 and Communal Rank was shown as 1088 in the Mark List issued by the Commission. The Respondent has issued a Provisional Selection List dated 14.08.2023 based on the marks and rank position.

3. In the Provisional Selection List the Petitioner's Register Number was not found, hence she submitted a representation to the Respondent on 22.08.2023. Since the petitioner has not received reply from the Respondent, she filed this Writ



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Petitioner seeking direction to include her name in the Provisional Selection List and call for Physical Certificate Verification and Counselling for appointment.

4. It is the contention of the Respondent that the Petitioner in her online application has given “No” against the query “Are you a Government employee?” while applying on 21.04.2022. When called for uploading of documents, the petitioner has uploaded a letter from the Superintendent of Police, Erode District regarding implementation of punishment orders in which the petitioner was working as 2900, AR 2nd Platoon, Erode District had been awarded a punishment of “Removed from Service” on 12.04.2022. Hence it is the contention of the Respondent that this fact was not furnished by the petitioner at the time of her online application dated 21.04.2022 subsequently she edited her application on 22.04.2022 even then the fact was suppressed by the candidate.

5. Para 13 (k) of the Notification reads as follows:

“
*Wilful suppression of criminal cases / disciplinary
action pending / punishments if any, against the
application (iv) violation of undertaking given by the*



applicant in the online application etc., may invite suitable penal action including debarment for a specific period as decided by Commission for various recruitments / selections conducted by the Commission, besides rejection of application after due process.”

Therefore, it is the contention that since the Petitioner has suppressed the fact of disciplinary action taken against her by the Police Department, her name has not been included in the Provisional Selection List dated 14.08.2023. Hence opposed the writ petition.

6. Heard both sides.

7. It is not disputed that the Petitioner has applied for MBC and PSTM quota and secured overall rank of 2952 and communal rank of 1088. The Petitioner name has not been included in the Provisional Selection List whereas the candidate who have obtained lesser mark than the petitioner viz., 238.50 and 131 respectively has been included. It is the contention of the respondent that since the petitioner has suppressed her removal from service of previous



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employment in her online application her name has not been included.

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8. It is relevant to note that in the online application the query was asked as “Are you a Government Employee?” then “Employment Status”. It is relevant to note that application was uploaded on 21.04.2022. It appears that the petitioner was removed from service for her unauthorised absence for more than 21 days. This order was passed on 12.04.2022 and served on the petitioner on 16.04.2022. This fact established on record. On the date of online application admittedly she was not a Government Servant and remain unemployed. Therefore, she has replied for the query “Are you a Government Employee ?” as “No” on the date of application. Similarly, in the column of “Employment status” she has stated “unemployed”. If really the question had been framed differently as “Are you a Government Employee? or where you ever employed in Government service?” Such case still the petitioner has answered “No”, then it can be said that there was suppression of material facts. If the question in the online Application has been properly framed about the previous employment, “Where you ever employed in Government Service?” then the petitioner would have answered “Yes” and given the particulars of her previous employment, disciplinary proceedings, etc.,



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Without any such questions or query raised in the online application, now the notification cannot be put against the Petitioner to contend that she has suppressed the material facts.

9. In such a view of the matter, this Court is of the view that the Petitioner has already qualified and secured higher mark, on the date of her application she was not in a Government Service, remained unemployed and already removed from the service. As the removal from the service is not a disqualification for further employment, petitioner is certainly entitled for appointment if she is otherwise eligible.

10. As it is not disputed that other candidate in the same category secured lesser marks than the petitioner was included in the Provisional Selection List, this Court is of the view that the Petitioner is certainly entitled to get the appointment in the post of Typist.

11. Accordingly, there shall be a direction to the Respondent to include the name of the Petitioner in the Provisional Selection List and call her for Physical



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Certificate Verification and counselling for appointment to the post of Typist.

Such an exercise shall be made within a period of two months from the date of receipt of copy of this Order.

12. In view of the same, the Writ Petition is allowed. No costs. Consequently connected Writ Miscellaneous Petition is closed.

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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copy to:

The Secretary,
Tamil Nadu Public Service Commission,
Chennai 600003.



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N. SATHISH KUMAR, J.
ggs

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