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W.P.No.1149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2024

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The HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P.No.1149 of 2023
and W.M.P.Nos.1170 and 4635 of 2023

T.Balambigai

.. Petitioner

Vs

1.Tamil Nadu Public Service Commission
rep. By Chairman,
TNPSC Road, Park Town, Chennai – 1.

2.The Secretary,
Social Welfare and Nutritious Meal
Programme Department,
Secretariat, Chennai – 9.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the impugned order dated 03.01.2023 and to quash the same and direct the respondent to permit the petitioner to participate in the oral test (interview) held on 19.01.2023 for the selection to the post of Assistant Director (Women Candidates only) in the Department of Social Welfare and Women Empowerment included in Tamil Nadu General Service [Scale of Pay Rs.56,100-2,05,700 (level 22)].



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For Petitioner : Ms.G.Vaishali
For Respondents : Ms.G.Hema,
Standing Counsel for R1
Mr.P.Balathandayutham,
Spl. Govt. Pleader for R2

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 03.01.2023 and for a consequential direction to the respondents to permit the petitioner to participate in the oral test (interview) to be held on 19.01.2023 for the selection to the post of Assistant Director in the Department of Social Welfare and Women Empowerment Department.

2. Heard Ms.G.Vaishali, learned counsel for petitioner, Mr.G.Hema, learned standing counsel for the first respondent and Mr.P.Balathandayutham, learned Special Government Pleader for the second respondent.

3. The case of the petitioner is that she had submitted an



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application pursuant to the Notification issued by the first respondent dated 03.01.2023 for the post of Assistant Director. The petitioner had filled up all the necessary particulars in the application and the application was uploaded along with relevant documents. The petitioner was permitted to participate in the selection and the petitioner reached upto the level of certificate verification since she passed the written examination. The grievance of the petitioner is that when the petitioner was expecting that she will be called for oral interview, the proceedings dated 03.01.2023 was issued by the first respondent stating that the petitioner is not qualified for further consideration since the particulars given by the petitioner in the online application are not correct.

4. The online application that was submitted by the petitioner was placed before this Court. The online application consisted of one portion dealing with any departmental proceedings initiated against the petitioner in her earlier employment and the other portion consisted of any pending criminal case against the petitioner. In the case in hand, this Court is concerned about the information that was furnished by the petitioner with respect to the criminal case. The petitioner in the



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application that was submitted on 20.07.2022 has mentioned that she has been acquitted from the criminal case. However, the petitioner did not upload the relevant document to substantiate that she was acquitted from the criminal case.

5. The documents that were uploaded by the petitioner along with the application were also placed before this Court. The petitioner has actually uploaded a document dated 10.05.2022 issued by the Additional Chief Secretary to Government whereby the departmental proceedings stood dropped. This document was not enough to conclude that the criminal case against the petitioner has come to an end.

6. Learned counsel for the petitioner has filed additional typed set of papers. It consists of proceedings of the Special Judge, Salem dated 23.12.2022 and for proper appreciation, the said order is extracted:

'Records perused. From the materials available on record it is revealed that during the surprise check unaccounted money was seized and the case was registered by the Additional Superintendent of Police, Vigilance and Anti Corruption, Salem



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in pursuance of Cr.No.4/AC/2019 upon receipt of a credible information. However investigation report was sent by the Directorate of Vigilance and Anti-corruption, Salem to the Government of Tamil Nadu. On consideration of the investigation report, by letter (MS) No.25, dated 10.05.2022 the Secretary of the Government has directed the Commissioner, Tribunal for Disciplinary Proceedings, to initiate Disciplinary proceedings against the accused mentioned in the FIR registered under Crime No.4/AC/2019. For the said reasons, the Investigation Officer of the above case concluded that no material is available to proceed further against the accused. Hence the negative Final Report submitted by the Investigation Officer is accepted. Proceedings against the accused is closed as "Further action dropped". Property order will be passed separately. Accused are discharged.'

7. It is clear from the above that the petitioner has been acquitted from the criminal case only on 23.12.2022 by virtue of the order passed by the Special Judge. Whereas the petitioner while submitting the application on 20.07.2022 has mentioned in the application as if she has been acquitted from the criminal case. This information provided by the petitioner is incorrect and on the date of submitting application, the criminal case was actually pending.



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Therefore, the first respondent on considering the application and the documents submitted by the petitioner came to the conclusion that the petitioner has furnished wrong particulars.

8. Learned counsel for the petitioner submitted that the departmental proceedings and the criminal case were moving simultaneously. The departmental proceedings came to an end by virtue of the letter dated 10.05.2022 and the petitioner was under the impression that the criminal proceedings will also be closed. Therefore, the petitioner had mentioned in the application that the petitioner has been acquitted from the criminal case in Crime No.4 of 2019. However, the fact remains that the petitioner was formally acquitted from the criminal case only on 23.12.2022 by the Special Judge, Salem. Therefore, the claim made by the petitioner in the application on 20.07.2022 as if the petitioner has been acquitted from the criminal case is incorrect. Consequently, the decision taken by first respondent/TNPSC to reject the candidature of the petitioner on the ground of providing wrong information is not liable to be interfered by this Court.



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9. In the result, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Neutral Citation:Yes/No
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To

- 1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town, Chennai – 1.
- 2.The Secretary,
Social Welfare and Nutritious Meal
Programme Department,
Secretariat, Chennai – 9.



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