



W.A.No. 2153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 13.08.2024

DELIVERED ON: 05.11.2024

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.A.No. 2153 of 2024
and CMP.No. 15212 of 2024

1. The Secretary,
Tamil Nadu Public Service Commission,
Park Town,
Chennai-600003.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
Park Town, Chennai-600003.

.. Appellant

Vs

1.S.Karthika
2.The Registrar
Tamilnadu Agriculture Universtiry,
Coimbatore- 641003.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.02.2024 in W.P.No. 2999 of 2024.

For Appellant : Mr P.Wilson, Senior Counsel

For Mrs. G.Hema

For Respondent : Father Xaveir Arulraj

For Mrs.A.Arulmary - R1



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(Order of the Court was made by the Hon'ble Acting Chief Justice)

Aggrieved by the order passed by the writ court in W.P.No. 2999 of 2024, dated 12.02.2024, the present writ appeal has been filed by the appellant.

Brief facts:

2. The 1st respondent herein has applied for Combined Civil Service Examination-II under the category of Group-II Services and Group II A services pursuant to the notification published by the appellant in Notification No. 3 of 2022 in Advertisement No. 605 dated 23.02.2022. The 1st respondent cleared both preliminary examination and main examination and her name was included in the list published by the appellant on 13.01.2021 for certificate verification. The 1st respondent had uploaded the documents as required by the appellant –commission, however in the provisional list published by the appellant on 02.02.2024 to attend the interview, the 1st respondent's name was not mentioned as she has not fulfilled the eligibility criteria mentioned in the notification and therefore not



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reached zone of consideration for the ratio 1:2/1:3. Challenging the said list dated 02.02.2024, the 1st respondent has filed a writ petition before this Court and the writ court by relying on the documents has set aside the said list and directed the appellant-commission to consider the candidature of the 1st respondent and permit for the oral test to be conducted from 12.02.2024 to 17.02.2024. Challenging the said order of the writ court, the Tamil Nadu Public Service Commission, has preferred the present writ appeal.

3. Mr.P.Wilson, learned senior counsel appearing for the appellant-Commission has submitted that the 1st respondent specified in her application that the date of publication of result in respect of UG Degree was 22.02.2022, but in the provisional certificate dated 16.03.2022, the date of declaration had been mentioned as 11.03.2022 which is against the Clause 13(L) of the Notification dated 23.02.2022. Further, in the Provisional Certificate and Transfer Certificate issued by the Tamilnadu Agricultural University, Coimbatore, the date of completion of degree is mentioned as 11.03.2022 which is after the date of Notification (i.e) 23.02.2022.

4. Mr.P.Wilson, learned senior counsel appearing for the appellant-



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Commission has further submitted that as per the Notification, the 1st respondent/writ petitioner should have obtained the prescribed educational qualification on or before the date of Notification i.e 23.02.2022, as per Clause 5(B) note (i) and Instruction to Applicants in Para 9 Note (a), but the 1st respondent has not acquired the eligibility condition as on the date of notification and hence after due process, her candidature has been rightly rejected by the appellant-Commission. According to the learned senior counsel appearing for the appellant-Commission, the learned Single Judge without considering the earlier decision of the Hon'ble Division Bench of this Court in Rev.Appl No. 60/2023 filed by TNPSC VS T.Sharmila on the same issue (i.e) the candidate must possess requisite Qualification on or before the date of Notification and the decision of Dr.M.Vennila Vs TNPSC (W.P.No. 32383 of 2005) in which the Hon'ble Division Bench of this Court observed that strict adherence to the terms and conditions is paramount consideration and the same cannot be relaxed unless such power is specifically provided to a named authority by the use of clear language, has set aside the provisional list published by appellant on 02.02.2022 and allowed the writ petition filed



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by the 1st respondent, which is unsustainable in law and liable to be set aside.

5. Per contra, the learned counsel for the 1st respondent has submitted that pursuant to the Notification No. 03/2022 in Advertisement No. 605 dated 23.02.2022, for combined Civil Service Examination I, under the category of Group II Services and Group II A Services, the 1st respondent has applied for the same and successfully cleared the preliminary examination and main examinations and out of the 483 candidates totally short-listed for Interview - Posts, the 1st respondent has been listed as one, at the ratio 1:3, for the Oral Test.

6. The learned counsel for the 1st respondent has further submitted that the 1st respondent has been also intimated vide communication in Memorandum No.656/APD/P/GR.I.2022 dated 13.01.2024 that she has been short-listed for the Direct Recruitment Posts, included in Group I Services, for the purpose of Certificate Verification. However, after uploading the required documents within the scheduled time, the 1st



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respondent's name was not found in the provisional list published by the appellant on 02.02.2022 due to the reason that she has not acquired the U.G.Degree, before 23.02.2022 i.e., on date of issuance of Notification No.3 of 2022.

7. The learned counsel appearing for the 1st respondent has further submitted that the 1st respondent had done her U.G. Course from the year 2017 to 2021. However, due to the non-clearance of one subject, Agricultural Micro-Biology, she appeared subsequently under the scheme of the Special reappearance on 22.12.2021. Thereupon, the result of the same was published on 01.02.2022. It is reflected in the mark sheet of the said subject as "Date of Registration : 22.12.2021, Date of Start: 22.12.2021, Date of Closure: 22.02.2022".

8. The learned counsel appearing for the 1st respondent has further submitted that the 3rd respondent/University has also issued a certificate stating that the 1st respondent had completed all the credit requirements as



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on 22.02.2022 and only official procedure has taken time till 11.03.2022 for issuing Provisional Degree Certificate to the 1st respondent. Therefore, the student's eligibility date may be considered as 22.02.2022. The writ court after due consideration of all the documents, has set aside the provisional list dated 02.02.2022 and directed the appellant to permit the 1st respondent to appear for the interview. Therefore, the order of the writ court is perfectly valid and does not require any interference by this Court.

9. Heard Mr. P.Wilson, learned senior counsel appearing for the appellants and Father Xavier Arulraj, learned counsel appearing for the 1st respondent and perused the documents available on record.

10. We have perused the clause 13(L) and 5(b) of the notification dated 23.02.2022. Clause 13-L of the notification states that the applications containing incorrect particulars or wrong claims, particularly educational qualifications, such applications will be summarily rejected after due verification. Clause 5(B) of the notification pertains to the requirement that the applicants submit truthful and accurate information and upload supporting documents within a stipulated timeframe, failing which their



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application would be rejected.

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11. According to the appellant- Tamil Nadu Public Service Commission, the 1st respondent had uploaded the provisional certificate dated 16.03.2022, where the date of declaration is mentioned as 11.03.2022. As per Clause 13(L) of the notification, the date of issuance of the said provisional certificate is after the cut-off date, i.e 23.02.2022, therefore the 1st respondent was found ineligible as per the terms and conditions of the notification, and accordingly her candidature was rejected by the appellant.

12. It is pertinent to note that the notification in question i.e Notification No. 03 of 2022 dated 23.02.2022, only prescribes that candidates must complete their undergraduate degree on or before the cut-off date of 23.02.2022. It does not stipulate that candidates must have acquired the provisional degree certificate by this date. The requirement under the notification is solely related to the completion of the academic qualifications, not the receipt of the provisional certificate. In this case, the first respondent met all academic requirements for her undergraduate degree



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by 22.02.2022. In the typed set of papers submitted by the appellant at page no.40, the consolidated mark sheet card issued by the 3rd respondent/University clearly mentioned the date of closure as 22.02.2022. Even in the Transfer cum conduct certificate(pg.43) issued by the 3rd respondent-university, it is mentioned the date of admission as 01.09.2017 and date of leaving as 22.02.2022.

13. A perusal of the certificate issued by the 2nd respondent university, confirms that the 1st respondent had completed all her academic requirements for her degree by 22.02.2022, well before the cut-off date, and that the delay in issuing the provisional certificate was due to administrative procedures. The same is extracted below;

"This is to certify that Karthika S (D No. 2017002124) has completed all the credit requirements as on 22.02.2022 and only official procedure has taken time until 11.03.2022 for issuing Provisional Degree Certificate. The student's eligibility date may be considered as 22.02.2022."



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14. In view of the administrative delay by the second respondent university in issuing the provisional degree certificate, which was eventually issued on 11.03.2022, the application submitted by the first respondent shall not be cancelled. The administrative processes involved in issuing a provisional certificate were beyond the first respondent's control, and it would be unjust to penalize her for delays caused by the University. The Hon'ble Supreme Court held in the case of ***Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board &Anr., reported in (2016) 4 SCC 754***, a candidate who fulfills all substantive qualifications by the cut-off date should not be disqualified due to procedural or administrative delays in issuing certificates. Therefore, the first respondent's eligibility should be determined based on the completion of her academic requirements by 22.02.2022, and not on the date of issuance of the provisional certificate.



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15. In the case on hand, the notification was issued on 23.02.2022. As discussed above, the 1st respondent had acquired her UG degree on or before the cut off date i.e. on 22.02.2022. The 1st respondent successfully passed the preliminary and main examinations. At the final stage after uploading the documents as required by the appellant, her name was not found in the provisional list. Admittedly, there are no clear instructions in the said notification with regard to the availability of provisional certificate on the date of submitting the application, and further the certificate dated 05.02.2024 issued by the 2nd respondent clearly reveals that the 1st respondent had completed her U.G degree by 22.02.2022, but due to the administrative delay, the provisional certificate was issued by the 2nd respondent-University belatedly on 11.03.2022. Therefore said certificate dated 05.02.2024 issued by the 2nd respondent-University cannot be disputed by the appellant. It is also to be noted that in the final mark sheet issued by the 2nd respondent, the date of commencement is mentioned as 22.12.2021 and date of closure is mentioned as 22.02.2022. Therefore, we



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are of the view that the 1st respondent has successfully passed her UG degree well before the cut off date i.e 22.02.2022 and she is eligible for consideration for certificate verification.

16. In view of the foregoing discussions, we are not inclined to accept the contention of the learned senior counsel for the appellant and we find no grounds to interfere with the order of the writ court. Accordingly, the writ appeal filed by the appellant is dismissed. No costs. Consequently, connected Miscellenous Petition is closed.

(D.K.K.,J,) (P.B.B.J.,)

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and
P.B. BALAJI, J.

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