



W.P.No.6977 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6977 of 2024
and W.M.P.Nos.7781 and 7782 of 2024

K.R.Pazhanevel Rajan

.. Petitioner

Versus

Tamil Nadu Public Service Commission,
Represented by its Secretary,
Public Service Commissioner Road,
Park Town,
Chennai - 600 003.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus to direct the respondent to permit the petitioner to participate in the physical certificate verification and counselling for recruitment to the posts of Assistant Section Officer (other than Law and Finance Department) in the Tamil Nadu Secretariat Service (included in Group V-A) notified in Notification No.21/2022, dated 23.08.2022, which is scheduled to be held on 18.03.2024 and to appoint the petitioner in the post of Assistant Section Officer (other than Law and Finance Department) in the Tamil Nadu Secretariat Service (included in Group V-A) in accordance with the rank obtained by him with all consequential service benefits.



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For Petitioner : Mr.Viswanathan,
for Mr.R.Prem Narayan

For Respondents : Mrs.G.Hema,
Standing Counsel

ORDER

This Writ Petition is filed seeking a direction to the respondent to permit the petitioner to participate in the physical certificate verification and counselling for recruitment to the post of Assistant Section Officer notified in the notification No.21/2022, dated 23.08.2022 which was scheduled to be held on 18.03.2024 and to appoint him in the post of Assistant Section Officer.

2. The case of the petitioner is that only because a column was blank in the drafting experience certificate submitted by the petitioner, even though he came within the zone of consideration, he was not called for the certificate verification.

3. Accordingly, considering the overall facts and circumstances of the case, this Court passed an interim order, dated 15.03.2024, directing the respondent to permit the petitioner to participate in the physical certificate



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verification and counselling for recruitment to the post of Assistant Section Officer which was held on 18.03.2024.

4. Pursuant to the interim order, the petitioner, *K.R.Pazhanevel Rajan*, was permitted to participate and he was also provisionally selected for the post. Today, the order, dated 18.03.2024 is also produced before this Court. The same is taken on record.

5. Now, considering the merits of the case, as per the original notification, the petitioner was mandated to upload the certificates. The petitioner also uploaded the certificates. However, it is the mistake of the issuing authority to have not filled the relevant column. In that kind of a mistake, which was only by way of oversight and when the petitioner did not lack the qualifications as on the date of notification, these types of procedural or technical errors can be permitted to be corrected and especially, the Court can come to their rescue in view of the pronouncement of the Hon'ble Supreme Court of India in the case of *Dolly Chhanda Vs. Chairman, JEE and Ors.*¹. This Court also considered the very same issue

¹ (2005) 9 SCC 779



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in its order in W.P.No.107 of 2022, dated 18.06.2024 and it is relevant to extract paragraph No.12 in W.P.No.107 of 2022 which reads as hereunder:-

" 12. The petitioner is bound to succeed for two reasons. Firstly, as of the date of notification i.e., as of 14.11.2017, the petitioner possesses a Post-Graduate degree which is obtained after an Undergraduate degree and which is also of two years duration (M.B.A). The only flaw which is committed by the petitioner is that without uploading the said degree since he has yet another Post-Graduate degree (M.L.I.S), he uploaded the same. Therefore, it is not that the petitioner was not possessing the Post-Graduate qualification, but, the petitioner could not upload both the Post-Graduate qualifications. In that view of the matter, as rightly contended by the learned Senior Counsel, as per the dictum of the Hon'ble Supreme Court of India in **Dolly Chhanda's** case (cited *supra*), there can be relaxation in the matter of submission of proof."

6. In view thereof, this Writ Petition is allowed by recording the provisional selection, dated 18.03.2024 and also by directing the respondent to proceed as if the petitioner was regularly selected and issue further orders of appointment in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

Neutral Citation : yes
grs

To



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The Secretary,
Tamil Nadu Public Service Commission,
Public Service Commissioner Road,
Park Town,
Chennai - 600 003.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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