



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.10962 of 2024
and W.M.P.No.12055 of 2024

A.Thaiaba Banu

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Chennai – 600 003.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Chennai – 600 003.

3.The Controller of Examination,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the Records of the Impugned Memo No.4188/APD-C2/2019 dated 15.12.2023 issued by the 3rd Respondent and quash the same as erroneous and consequently direct the 1st



respondent to appoint the petitioner either under the quota of the communal or the general category in Group IV Examination for the year 2018-19 and 2019-2020.

For Petitioner : Mr.M.Venkadesh Kumar

For Respondents : Mrs.G.Hema
Standing Counsel

ORDER

When the writ petition was taken up for hearing yesterday, this Court passed the following order:

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner on 17.03.2020 and to appoint the petitioner to the post of Junior Assistant in the Combined Civil Services Examination (Group IV) for the year 2018-19 and 2019-20.

2.The case of the petitioner is that she had applied for the post under the Destitute Women category. The petitioner was not able to get the concerned Certificate, since the petitioner subsequently married. In view of the same, it is contended that the remarriage of the petitioner cannot be a ground to reject the candidature of the petitioner under this category.



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3. The counter affidavit has been filed by the TNPSC. The relevant portions are extracted hereunder:

5. It is further submitted that the said petitioner was one among the candidates for the recruitment to the posts included in Combined Civil Services Examination - IV (Group-IV) vide Notification No.19/2019 dated 14.06.2019. The said candidate had claimed in her online application as Destitute Widow, BC(M) PSTM. Based on the claim she was shortlisted for Certificate Verification. During the Certificate Verification on 05.12.2019, she failed to produce Destitute Widow certificate as per her claim in the application instead she produced a declaration form. Hence, the application of the said petitioner candidate was rejected during Certificate Verification as she was not eligible to be considered under Destitute Widow category as per para 12 (J) and 14 (9) of the said notification.

6. It is also submitted that on rejection of her candidature, she made a representation dated 17.03.2020 to consider her under Communal Category. In this regard as per para 18 ii and iii of the Instructions to Applicants then existed w.e.f.07.11.2016 now para 22 E w.e.f.22.03.2023



action had not been taken on the representation of the said petitioner candidate.

7. Further, she had filed W.P.No.8124/2020 and wherein the Hon'ble High Court has ordered on 22.08.2023 as read as follows:-

xxxxx

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 17.03.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, this writ petition is disposed of. No costs.

In obedience of the said Court order reply has already been sent to petitioner vide Memo. No.4188/APD-C2/2019, dated 15.12.2023.

8. Moreover, as stated in para 6 of the affidavit the said petitioner candidate had been informed, as stated in para 7 of the affidavit vide Memo. No.4188/APD-C2/2019, dated 15.12.2023, which states as follows:-



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12. (J) Evidence for claims made in the online application should be uploaded / submitted in time when called for the documents. Any subsequent claim made thereafter on submission of online application will not be entertained. Failure to submit the documents within the stipulated time limit will entail rejection of the Application.

14. 9. All the particulars mentioned in the online application including Name of the Applicant, Educational qualifications, Communal Category, Date of Birth, Gender, Address, Email ID, Centre of Examination, Government employee, etc., will be considered as final and no Modifications will be allowed after the submission of online application. Once an application is submitted no further request for change of details will be entertained.

Apart from the above, as per para 13(G) of the said Notification as stated below the application of the said writ petitioner was rejected

13. (G) Unless specific instruction is given, applicants are not required to submit along with their application any certificates in support of their claims regarding age, educational qualification, practicing / service, Physical qualification, Community



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Certificates regarding their physical Disability etc., which should be submitted when called for by the Tamil Nadu Public Service Commission. The applicants applying for the examination should ensure that they fulfil all the eligibility conditions for admission to the examination their admission to the examination will be purely provisional, subject to satisfying the prescribed eligibility conditions. If on verification at any time before or after the examination and Certificate Verification, it is found that they do not fulfil any of the eligibility conditions the candidature for the recruitment will be rejected summarily by the Commissions.

9. Furthermore, she has now filed this Writ petition praying to quash the said Memo and to appoint her either under communal quota or general category. Therefore, the prayer of the candidate to quash the Commission's memo dated 15.12.2023 does not find any merits.

10. It is further humbly submitted that all the vacancies related to the recruitment of Group-IV 2018-2020 were filled except the following vacancies and which were carried forwarded to the next recruitment (Group-IV 2022) due to paucity of eligible candidates.



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S.No	Category	No. of unfilled vacancy
1	<i>Backward Class_General_MULDA (Multiple disability)</i>	6
2	<i>Backward Class_Women_MULDA (Multiple disability)</i>	1

Since, no vacancies are available in the recruitment of Group-IV 2018-2020, as all the vacancies related to the recruitment of Group-IV were filled in 2022 itself including the above said vacancy.

In view of the facts and circumstances stated above, the petitioner Tmt.A. Thaiba Banu has no ground to claim her prayer. Hence, the prayer of the petitioner cannot be complied with.

4.In the considered view of this Court, the petitioner had specifically applied under the Destitute Women category and also under the BC(M) PSTM category. Insofar as the Destitute category is concerned, the petitioner was not able to produce the relevant certificate. In view of the same, there is no question of considering the petitioner under this category.



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5. Insofar as the PSTM category is concerned, the counter does not specifically deal with the same. According to the petitioner, she had secured 241.5 marks and was 133rd rank in the communal category. The learned Standing Counsel shall take instructions in this regard and inform this Court if the petitioner was within the zone of consideration for being considered under the BC(M) PSTM category.

6. Post this case at the end of the motion list on 01.10.2024.

2. When the case was taken up for hearing today, the learned Standing Counsel appearing on behalf of TNPSC submitted that the vacancy under the PSTM category has already been filled up and the recruitment pertains to the year 2018-20. If the claim made by the petitioner is to be considered now, the entire process has to be redone and it is not possible to do at this stage, since subsequently two more recruitments have been made. The learned counsel further submitted that there were only seven vacancies which were not filled up and the same was also carried forward to the next recruitment in the year 2022.

3. In the considered view of this Court, the petitioner had made her claim under the Destitute Women category as well as under the PSTM and BC(M)



category. Insofar as consideration of such an application is concerned, the procedure given under Section 26 of the Tamil Nadu Government Servants Conditions of Service Act, 2016 will have to be followed. It is too difficult to undertake this exercise at this length of time, since all the vacancies were filled up and the seven vacancies which were not filled up under the disability quota, was also carried forward to the next recruitment in the year 2022.

4. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

Internet : Yes / No
Index : Yes / No
Speaking Order / Non Speaking Order
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To

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N. ANAND VENKATESH, J.

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