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W.P.No.13698 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM :

The Hon'ble MR.JUSTICE D.BHARATHA CHAKRAVARTHY, J.

**W.P.No.13698 of 2024
and W.M.P.No.14865 of 2024**

Usharani

.. Petitioner

-VS-

1. The Chairman,
Tamil Nadu Public Service Commission,
Chennai.
2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai.
3. The Controller of Examinations
Tamil Nadu Public Service Commission,
Chennai.
4. The Revenue Divisional Officer,
Tiruchirapalli.
5. The Revenue Divisional Officer,
Tambaram, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st, 2nd and the 3rd respondents to consider the petitioner's representation dated 15.04.2024 and declare the petitioner eligible for the non-interview Group-II A post.



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For Petitioner : Mr.M.Maharaja
For Respondents : Ms.G.Hema
Special Government Pleader
For RR 1 to 3
: Mr.C.Jayaprakash
Government Advocate
For RR 4 and 5

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ORDER

The writ petition is filed for a writ of mandamus directing the respondents to consider the representation of the petitioner dated 15.04.2024 and to declare the petitioner as eligible for the non-interview Group-II A post under the preference category of 'destitute widow'.

2. The facts relevant for the disposal of the writ petition are that by notification dated 23.02.2022, the respondent Commission issued an advertisement calling for applications for direct recruitment in respect of Combined Civil Services Examination-II (Interview/Non-interview) (Group-II services/Group-IIA services) posts. The petitioner being eligible applied for non-interview Group-IIA service. She also claimed preference under the destitute widow category. As



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per the notification, between 17.11.2022 and 16.12.2022, the certificate in proof of the claim that the respective candidates are destitute widows should be uploaded. The petitioner did not upload the same. The petitioner was also granted a grace time of 15 days and even within the said period she was unable to upload and therefore, the respondent did not include the petitioner in the selection list.

3. Mr.Maharaja, learned counsel for the petitioner, would submit that it is not a case as if the petitioner failed to upload the certificate. The petitioner is a native of Tiruchirappalli, but she was residing at Chitlapakkam within the jurisdiction of Tambaram. When the petitioner initially applied to the authorities at Tiruchirappalli, they rejected the application on the ground that she is not residing at Tiruchirappalli and since she is working and earning Rs.15,000/- per month, she is not entitled for destitute widow certificate. Thereafter, the petitioner approached the authorities at Tambaram online and that was also rejected saying that since she is a native of Tiruchirappalli, she has to apply only there. She again applied at Tiruchirappalli and the certificate was ultimately issued only on 18.03.2024 and immediately, she has produced the same before the respondent Commission and as such, requested the respondent Commission to consider the case of



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the petitioner sympathetically. It is his further contention that it is the now or never case for the petitioner as she is also nearing the age bar, as she is already 40 years of age now.

4. Per contra, Mrs.Hema, learned standing counsel appearing for the respondent commission would submit that in this case, the petitioner did not produce the certificate at the relevant point of time and she could not avail the benefit even after the extended period of time and therefore, the case cannot be considered at this belated point of time.

5. I have considered the rival submissions on either side and perused the material records of the case.

6. This Court has been taking consistent view that for the mere procedural lapse of uploading certificates in proof of the qualification, if the candidate possesses the qualification as on the date of notification, the candidature need not be rejected and the Court can come to the rescue if there is a delay. But, however, in this case, it can be seen that as on 23.02.2022, the petitioner did not have the destitute widow certificate. As a matter of fact, when she initially applied before the



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authorities at Tiruchirappalli, in the order dated 02.11.2022, not only the address was mentioned as the sole reason, but the fact that the petitioner was earning more than Rs.15,000/- per month is also mentioned as a reason. Even on a perusal of the typed set of papers, it can be seen that the petitioner was also subsequently working as Project Assistant in the Tamil Nadu State Council for Science and Technology, Chennai, and she was relieved from employment only on 29.07.2022. Until then, she was receiving a consolidated pay of Rs.22,000/- per month. Only after she became unemployed, since her income came within the limit so as to get the destitute widow certificate, she has been granted the certificate in the year 2024. Therefore, this case is not merely a procedural delay, but as on the date of notification, it cannot be said that the petitioner was a destitute widow.

7. In view thereof, this Court cannot come to the rescue of the petitioner as far as the instant selection is concerned. But, however, it is made clear that only because the petitioner worked in a temporary post in the interregnum, her status as destitute widow was affected. Since subsequently in the year 2022 she has been unemployed and the certificate of destitute widow being given, subject to other



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qualifications and if she is eligible, she can participate as a destitute widow and the rejection for the present selection will not come in her way of seeking any further employment in the preferential quota of destitute widow.

With the aforesaid observations, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

19.06.2024

Index : Yes
Website : Yes
Speaking Order

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D.Bharatha Chakravarthy, J.

(sra)

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