



W.P.(MD) No.4932 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.4932 of 2023

Muruganantham

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Petitioner

-VS-

- 1.The Chairman,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road,
Park Town,
Chennai - 600 003.
- 2.The Controller of Examination,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road,
Park Town,
Chennai - 600 003.
- 3.The President,
Technical Testing Board,
Madras Engineering Group and Centre,
Bangalore.
- 4.The Officer-In-Charge,
Demob Batter, Artillery Centre,
Nasik Road Camp,
Maharashtra.



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5.The Chairman / Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai 600 009.

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Respondents

(R3 to R5 are Suo Motu Impleaded vide
Court Order, dated 30.06.2023 in W.P.(MD) No.4932/2023)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to include the name of the petitioner in the ongoing Physical Certificate Verification Process for the post of FIELD SURVEYOR within the Ex-service Man Category (ESM) as per the Notification No.18/2023 dated 29.07.2022 and Notification No.18A/2023 dated 14.02.2023 issued by the respondents on the basis of the petitioner representation dated 03.03.2023.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents 1 & 2 : Mr.V.Paneerselvam,
Standing Counsel.

For Respondent 5 : Mr.N.Satheesh Kumar,
Addl.Govt.Pleader.



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ORDER

The instant Writ Petition has been filed by an aspirant to the post of Field Surveyor, pursuant to the Notification, dated 29.07.2022, in Notification No.18/2023, issued by the first respondent herein.

2. While applying for the post online, the petitioner had claimed both under PSTM quota as well as Ex-Serviceman (ESM) quota.

3. While the first respondent was assessing the credentials of the writ petitioner through online, they found that the petitioner had not enclosed any document for claiming employment under PSTM quota. Therefore, the application was rejected. The petitioner had also made a claim under ESM quota and he had uploaded all the documents, which were relevant for making claim under the said quota. Since the petitioner's name was not considered under ESM quota, the present writ petition has been filed, seeking a mandamus to include the name of the petitioner in the ongoing physical certificate verification process to the post of Field Surveyor under ESM quota.



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4. According to the learned counsel appearing for the petitioner, when the petitioner has applied claiming benefits under PSTM quota as well as ESM quota, if the petitioner has satisfied the authorities under ESM quota, the authorities ought to have considered his claim under the said quota. Merely because the petitioner was not qualified to make a claim under PSTM quota, the entire application cannot be rejected.

5. Per contra, the learned Standing Counsel appearing for the first respondent, relying upon the counter, contended that when the petitioner had made claim under PSTM quota without uploading the relevant certificates, his application was naturally rejected and, therefore, the further claim of the writ petitioner was not considered.

6. I have carefully considered the submissions made on either side and also perused the material available on record.

7. Whenever an aspirant makes an application to a particular post pursuant to a notification, he may be eligible to make a claim to the said post under various quotas and he may make an attempt to upload the credentials



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for considering his name under different quotas. Just because the applicant was not able to upload valid documents for making a claim under one quota, his application cannot be rejected in its entirety, without considering his claim under a different quota, in case, he has successfully uploaded all the relevant documents.

8. In the present case, the petitioner, having uploaded all the relevant documents for making a claim under ESM quota, the respondent Commission has rejected the application merely because the petitioner could not make claim under PSTM quota.

9. When the writ petition was taken up for admission, this Court has already passed an interim order, directing the respondent Commission to reserve one post for the writ petitioner and, accordingly, one post is already kept in reserve.

10. Considering the above said facts, the Writ Petition stands allowed, directing the respondent Commission to consider the name of the writ petitioner under ESM quota if he falls within the zone of consideration and issue orders within eight weeks from the date of receipt of this order. No



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costs. Consequently, the connected W.M.P.(MD) Nos.4608 and 4609 of 2023 are closed.

23.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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R.VIJAYAKUMAR, J.

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