



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.828 of 2021

and

W.M.P.Nos.894, 896, 898 & 3920 of 2021

Dr.S.Aruna

.. Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai – 600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai – 600 003.

3.The Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Government of Tamil Nadu, Secretariat,
Chennai – 600 009.

.. Respondents

(R3 impleaded as per order of this Court
dated 26.09.2023 made in W.M.P.No.
27683 of 2023 in W.P.No.828 of 2021)

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the entire
records pertaining to the impugned list of candidates provisionally
admitted for Oral Test / Interview from 04.01.2021 to 29.01.2021



published by the 2nd respondent herein dated 18.12.2020, and quash the same in so far as the petitioner is concerned and thereby direct the respondents herein to select and appoint the petitioner as Veterinary Assistant Surgeon.

For petitioner : Mr.A.R.Suresh
For RR 1 & 2 : Ms.G.Hema
For R3 : Mr.V.Manoharan
Additional Government Pleader

ORDER

This writ petition is filed for writ of certiorarified mandamus to quash the provisional selection list of candidates admitted for oral test / interview published by the 2nd respondent in so far as the petitioner is concerned and for a direction to the respondents herein to select and appoint the petitioner as Veterinary Assistant Surgeon.

2.The petitioner completed Bachelor of Veterinary Science and Animal Husbandry. She registered on 28.08.2018, with the Kerala State Veterinary Council, with Registration Number 4560. While so, the 2nd respondent issued a Notification No.32/2019 dated 18.11.2019, calling for applications through online mode for filling up 1141 vacancies to the post of Veterinary Assistant Surgeon in Tamil Nadu Animal Husbandry Services, under direct recruitment quota. The petitioner applied through



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online mode to the said post within time. The petitioner's application was accepted and the petitioner participated in the written examination and performed well. Thereafter, the 2nd respondent published a list of candidates in the TNPSC official website on 19.10.2020, provisionally admitting the candidates for certificate verification based on the marks obtained by them. The petitioner was one of the candidates included in the provisional list and therefore, the petitioner was required to upload scanned copies of certificate and documents which were already uploaded along with the application. When the petitioner was eagerly waiting for the interview, the 2nd respondent published a list provisionally admitting the candidates for oral test in the TNPSC official website on 18.12.2020. In the same list, there was an annexure containing the the list of candidates whose applications were rejected for various reasons, in which the petitioner's registration number was found.

3. According to the petitioner, the possible reason for rejecting the petitioner's candidature was that the petitioner in the online application had stated that she passed Tamil as one of the languages in HSC (Higher Secondary). As the petitioner's application was rejected by the impugned notification dated 18.12.2020, she filed the writ petition for the aforesaid reliefs.



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4.The respondents filed a detailed counter affidavit stating that the petitioner was not eligible for the post as she did not possess the prescribed educational qualification as per paragraph 4(B) of the Notification dated 18.11.2019, in as much as she had not passed Tamil as one of the languages in HSC. Even the community certificate produced by the petitioner was from other state and so she was considered under other category. Though the petitioner subsequently produced the community certificate obtained from Zonal Deputy Tahsildar, Thoothukudi, that she belonged to BC Community, as she had not filed the said certificate along with the application, the same was not considered in terms of paragraph No.12(G) of the Notification dated 18.11.2019. On the current status of the case, the respondents submitted that the selection was finalized for all the 1141 vacancies for the post of Veterinary Assistant Surgeon, in Tamil Nadu Animal Husbandry Services, and hence there were no vacancies. The respondents therefore stated that the writ petition deserved to be dismissed.

5.The learned counsel for the petitioner submitted that the rejection of the petitioner's candidature was on the grounds that she did not produce the community certificate along with the online application



and also that did had not study Tamil as one of the languages in SSLC / HSC / DEGREE / INTEGRATED PG DEGREE.

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6. According to learned learned counsel for the petitioner, the rejection of the petitioner's candidature on the ground that she had not studied Tamil as one of the languages was in violation of Section 21 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Act 14 of 2016). The learned counsel therefore submitted that the writ petition deserved to be allowed.

7. The learned counsel for the respondents on the other hand submitted that the petitioner had furnished false information in the online application, stating that she passed Tamil as one of the languages in HSC. The learned counsel for the respondents 1 & 2 submitted that though the petitioner marked her community as Backward Class in the application against the communal category, while annexing the certificate, she produced the community certificate issued by the Tahsildar – Executive Magistrate, Varkala, Kerala. The petitioner was therefore considered under the others category and as the petitioner did not possess the cut off marks of 358 for the others category she was found ineligible for the said post.



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8.The learned counsel further submitted that one of the qualifications in the Notification dated 18.11.2019, was that the candidate must have passed Tamil as one of the languages in Higher Secondary Public Examination or its equivalent. As the petitioner did not pass Tamil as one of the languages in the above courses, she was found ineligible and therefore her application was rejected. The learned counsel submitted that there were no merits in the writ petition and the same deserved to be dismissed.

9.I heard the learned counsel for the petitioner, learned counsel for respondents 1 & 2 and the learned Additional Government Pleader for the 3rd respondent.

10.Under the Notification No.32/2019 dated 18.11.2019, applications were invited from eligible candidates through online mode for direct recruitment to the post of Veterinary Assistant Surgeon, in Tamil Nadu Animal Husbandry Service, to fill up 1141 posts. In the said Notification, the requisite qualifications for selection were stated as follows:



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“4.QUALIFICATIONS:

(B) QUALIFICATIONS (as on 01.07.2019)

Applicants should possess the following or its equivalent qualification (i.e.,Degree) awarded by any University or Institution recognized by the University Grants Commission:

- (a) B.V.Sc., Degree (now known as B.V.Sc. & A.H.,) and
- (b) Must have passed Tamil as one of the languages in Higher Secondary Public Examination or its equivalent and

Note: Must be a Registered Veterinary Practitioner within the meaning of the Indian Veterinary Council Act, 1984 (Central Act 52 of 1984)

Note:

- (i) *The qualification prescribed for the posts should have been obtained by passing the required qualification in the following order of studies: 10th + HSC or its equivalent + Bachelor's degree as required under Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Results of the examination should have been declared on or before the date of notification. (Section 20(4)(iv) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016).*
- (iii) *Applicants claiming equivalence of qualification should upload and submit evidence for equivalence of qualification, in the form of government order issued on or before the date of this notification, and produce it when called for, failing which, their application will be summarily rejected. The government orders regarding equivalence of qualification issued after the date of this notification will not be accepted.”*



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11. Admittedly, the petitioner has not passed Tamil in her Higher Secondary (HSC) or equivalent examination. Even according to the petitioner, though she did not pass Tamil language in the HSC or equivalent examination, in the online application, instead of typing 'NO' against the said column, she typed 'YES'. The petitioner in the column relating to proof of Tamil qualification mentioned HSC examination. The fact is that the petitioner did not pass Tamil in HSC examinations, but she deliberately furnished false information. The only explanation offered by the petitioner for the false information furnished by her was that if she typed 'NO' for Tamil qualification, her application would not have been further proceeded. It is therefore clear that the petitioner calculatedly and consciously furnished false information. As the petitioner did not possess the eligible educational qualification as required in the Notification dated 18.11.2019, the respondents cannot be faulted for rejecting her candidature and therefore, on this vital point, I am of the view that the writ petition sans merit and hence deserves to be dismissed.

12. As I have already found that the writ petition deserves to be dismissed on the ground of deliberately furnishing false information, the



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issue of community certificate is not considered. I am of the view that as the petitioner failed to establish that she possessed the requisite educational qualification for the said post, the impugned order needs no interference and hence the Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

26.02.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.MALA, J.

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