



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 30.04.2025

PRONOUNCED ON : 02.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 5283 of 2025

And

W.M.P.No. 5856 of 2025

M.Karthikeyan

... Petitioner

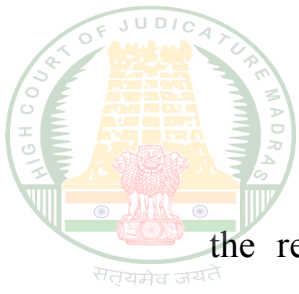
..Vs..

1. The Chairman
TANGEDCO
NPKRR Maligai
No.144, Anna Salai
Chennai – 600 002.

2. Chief Engineer (Personnel)
TANGEDCO
NPKRR Maligai
No.144, Anna Salai
Chennai – 600 002.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents herein to select and appoint the petitioner to the post of Gangman on the date other candidates appointed under the Notification No.1/2019 dated 07.03.2019 of



the respondents with all service and monetary benefits by taking into consideration that those who have obtained lesser marks than the petitioner have been appointed.

For Petitioner :: Ms. Dakshayani Reddy
Senior Counsel
for Ms. S. Suneetha

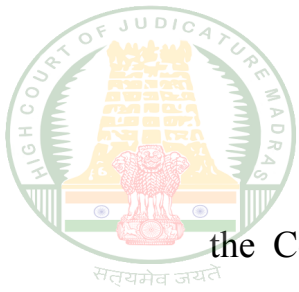
For Respondents :: Mr. Anandh Gopalan
for M/s. Agam Legal

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to select and appoint the petitioner to the post of Gangman on the date when other candidates appointed under the Notification No.1/2019 dated 07.03.2019 had been appointed. The petitioner also seeks that service and monetary benefits must be granted.

2. The petitioner has raised a grievance that those, who had obtained lesser marks in the qualifying examination than the petitioner had been issued with letters of appointment, but the petitioner had been overlooked.

3. The Writ Petition came up for hearing 25.04.2025 on which date,



the Court had reduced the facts and the rival contentions. It would be prudent to reproduce the same.

“3. In the affidavit filed in support of the writ petition, it had been stated that the petitioner, who had qualified with 11 th standard since he had failed 12th standard and belongs to Scheduled Caste community had applied for the post of Gangman, consequent to the notification issued by the respondents to fill about the 15,000 vacancies. The petitioner had obtained 65 marks in the written examination. He also passed the physical test. He was then waiting for the receipt of the appointment letter. But he had not received it. Thereafter, contending that those who had obtained lesser marks than the petitioner had been appointed and seeking the reason as to why the petitioner had been left out, the petitioner had filed the present writ petition in the nature of a Mandamus seeking a direction to be so appointed as Gangman under the respondents.

4. A counter affidavit had been filed on behalf of the respondents, wherein, it had been stated that the petitioner had applied under PSTM quota. It would require production of the certificate certifying that the petitioner had actually studied in Tamil Medium during his school days. The fact that the petitioner had obtained 65 marks is not denied by the respondents. But however, it is claimed that the petitioner was ranked 8543 among all the candidates. It had been contended that 98 candidates had secured 65 marks. The respondents had a particular method of breaking the tie and the correctness of that particular method cannot be subjected to judicial review at this point of time. But however, if the petitioner had actually been considered as PSTM candidate, then, the petitioner would have a



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reasonable chance of being issued with the appointment letter. Petitioner had applied under PSTM candidates quota. Two mutually exclusive statements had been put across the Bar and had also been sworn in by the petitioner in the affidavit and the respondents in the counter affidavit. Petitioner claims that at the time of certificate verification, he had produced the relevant certificates to indicate that he had studied in Tamil Medium in his school days. The respondents however deny that such a certificate had not been produced.

5.The learned Senior Counsel for the petitioner pointed out that the check list had been produced at the time of certificate verification and in that particular check list, in Sl.No.1020, with the Admit Card No.V0437R1020, in column No.9, wherein, a remark is given whether the individual is a person, who studied in Tamil Medium, it had been remarked as Yes.

6.The learned Standing Counsel for the respondents however claimed that this is an automatically generated document and it only gives the check list and it does not actually indicate that the certificate was produced by the petitioner to certify that they studied in Tamil Medium.

7.With respect to the availability of the post, it is contended by the learned Senior Counsel, as on date, there are still 386 vacancies and therefore, it is contended that the petitioner can be accommodated in any one of the vacancies. This is however objected by the respondents by contending that the said vacancies were reserved exclusively for the persons, who are physically disabled and therefore, the petitioner could not be accommodated in any one of the vacant post. This Court had also examined the possibility of alternate disputes resolutions method to be adopted to resolve this particular issue. But however, that was not taken up



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and therefore, let me give a quietus to the averments made in the affidavit and the counter affidavit.

8.It is not in dispute that the petitioner had applied in response to the notification called for the post of Gangman by the respondents. It is also not in dispute that the candidate belongs to Scheduled Caste community. It is further not in dispute that he had failed in 12th standard and had studied only upto 11th standard. In the documents filed along with the writ petition, the petitioner had documents to show the particular medium of instructions which he had undertaken in school was through Tamil Medium and to certify that, the Principal of the Municipal Primary School at Namakkal, had issued a certificate on 20.05.2019. It had been very specifically stated that the petitioner had studied upto 5th standard in Tamil Medium. A further certificate had been issued again by the Principal of the Government Boys Higher Secondary School, Mohanur, Namakkal, wherein, it had been stated that the petitioner had studied 6th and 10th standards in Tamil Medium. A further certificate had been issued again by the Principal that the petitioner had studied 11th and 12th standard in Tamil Medium. The genuineness of these certificates are not put to test by the respondents. The issue is whether he produced the certificate before the respondents at the time of the certificate verification. A check list had been produced by the petitioner herein and that particular document given is not disputed by the respondents. This particular document had been issued by the respondents. It contains the name of the venue in the Namakkal. It is an admit card for writing the examination and the name of the individual is given. It is used by the official to conduct the interview. When they conduct interview, they were given this check list to verify the qualification of the petitioner and his personal details. It was presented before them, in that the name of the petitioner had been given and his gender had been



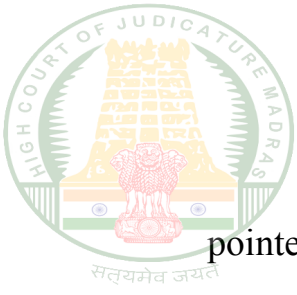
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given, the address had been given, pincode had been given, mobile number had been given, Email Id had been given, the date of birth had been given and the caste to which the candidate belongs to had been given and the educational qualification had also been given. There is a very specific column with reference to priority category and group and it is stated that it is not applicable. There is a separate column for the persons, who studied in Tamil Medium. It is very specifically stated yes and thereafter, a committee has to verify the form details they are Supt./APO/PO(HQ), Asst./Adm. Adm.Supervisor, A.Adm.O/Adm.O. In the forms available with the Court, their designations are given.

9.The learned Standing Counsel for the respondents stated that at the time of interview, if the details aforementioned in the check list are correct, then the officials would have signed it. But if the details aforementioned are not correct, they should have given that particular remark also. There is no reason to presume that the petitioner had a certificate in his hand and not produced the same. Therefore, the production of the original records are required and that would take the Court away from examining the affidavit on oath and counter affidavit on oath and place reliance on the document produced by the respondents in confirmity of the document produced by the petitioner.”

4. As is seen from a perusal of the facts, the petitioner had obtained 65 marks in the qualifying examination. The learned Senior Counsel for the petitioner had raised a strong protest against the non-selection of the petitioner by pointing out that those who had obtained even zero marks had been issued with letters of appointment. The learned Senior Counsel further



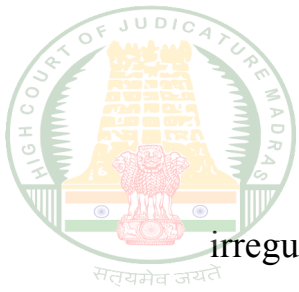
pointed out that the petitioner had also applied under the PSTM quota.

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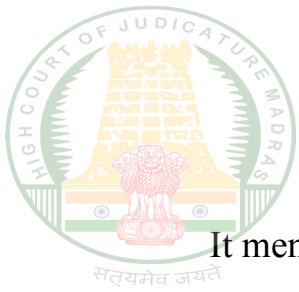
5. The original records had been produced by the learned Standing Counsel for the respondents. It is seen that the petitioner had produced documents reflecting that he had studied in Tamil medium in 10th standard. But however, it is contended that this certificate is not sufficient as it should indicate that he had studied in Tamil medium right from 1st standard to 10th standard. The respondents could have called upon the petitioner to produce certificates as required and which would satisfy them that he actually studied in Tamil medium right through his school education.

6. There are two aspects. One is the educational qualification required and the other is production of certificates to certify the statements made about the basic educational qualification. It is not in dispute that the petitioner belongs to Schedule Caste community. The respondents had an obligation to examine his credentials taking into consideration that particular fact.

7. The issue whether producing certificates is a procedural



irregularity which could be cured or is an incurable defect had come up for consideration before the Hon'ble Supreme Court in the Judgment reported in **(2005) 9 SCC 779 [Dolly Chhanda Vs. Chiarmman, Jee and Others]**. In that particular case, the appellant had passed 10+2 (Science) Examination in first class. She appeared in the Joint Entrance Examination 2003, (JEE-2003) under the reserved MI category being daughter of an ex-serviceman, who was discharged from the armed forces on the ground of permanent disability. Her rank in JEE-2003 in the reserved MI category in the medical stream was 20. She was called for counselling for admission to a medical college. During the course of scrutiny of her certificates, it was found that the certificate dated 29.06.2003 given to her father by the Zilla Sainik Board in column 3 which pertained to “disabled/killed in war/hostilities”, the words “not eligible” were written. Since this certificate did not satisfy the authorities, her candidature was rejected. Subsequently, the candidates, who had secured the ranks 24 and 26 in the aforementioned category were given admission. The appellant then produced the disability certificate which had been issued to her father by the Army authorities, but that certificate was not accepted. Her father then requested the Zilla Sainik Board to issue a certificate with correct details and that certificate was issued on 16.07.2003.



It mentioned “permanently disabled” in column 3.

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8. The appellant then approached the respondent with the corrected certificate but no action was taken. She sought admission on the basis of the corrected certificate produced. However, the candidates who had secured rank Nos. 27 to 30 were called for counselling but the appellant's candidature was not considered. She then filed a Writ Petition before the High Court seeking consideration of the certificate and admission. The Writ Petition was dismissed by the High Court, holding that since she had not produced the certificate at the time of counselling, her claim that she belonged to the reserved MI category had not been established.

9. In the counter affidavit, the respondents had not disputed the subsequent certificate produced by the appellant and had also not denied that candidates, who had secured lower ranks had been provided with admission. The fact that the father of the appellant had been discharged from the Army owing to permanent disability had again not been disputed by the respondents. The only ground taken was that on the date of counselling, the appellant had not produced the relevant certificate that she belonged to



reserved category. While examining the case of the appellant therein, the

WEB COPY Hon'ble Supreme Court had held as follows:-

*“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. **Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not***



necessarily result in rejection of candidature.

8. This principle was explained and applied in ***Charles K. Skaria v. Dr. C. Mathew [(1980) 2 SCC 752 : 1980 SCC (L&S) 305]***. The controversy here related to admission to a postgraduate course in medicine. The relevant rule provided for addition of 10% marks if a candidate possessed a diploma in the relevant subject or subspecialty and this benefit could be given only if the candidate's success in the diploma course was brought to the knowledge of the Selection Committee before completion of selection in an authentic or acceptable manner. The prospectus provided that the attested copies of statement of marks and other documents should be attached with every application. Three such candidates were given admission who had not attached the certificate of having passed the diploma along with their applications. Their admission to postgraduate course was set aside by the High Court on the ground that their applications, wherein they claimed the benefit of diploma, were liable to be rejected as the requisite certificates had not been attached. This Court speaking through Krishna Iyer, J. reversed the judgment of the High Court and held that the admission to the candidates had



rightly been given as they had in fact passed the diploma before the date fixed. The relevant parts of paras 20 and 24 of the judgment, where this principle was highlighted are being reproduced below: (SCC pp. 762 & 763)

*“20. There is nothing unreasonable or arbitrary in adding 10 marks for holders of a diploma. But to earn these extra 10 marks, the diploma must be obtained at least on or before the last date for application, not later. **Proof of having obtained a diploma is different from the factum of having got it.** Has the candidate, in fact, secured a diploma before the final date of application for admission to the degree course? That is the primary question. It is prudent to produce evidence of the diploma along with the application, but that is secondary. Relaxation of the date on the first is illegal, not so on the second. Academic excellence, through a diploma for which extra mark is granted, cannot be denuded because proof is produced only later, yet before the date of actual selection. **The emphasis is on the diploma; the proof thereof subserves the factum of possession of the diploma and is not an independent factor.** ... Mode of proof is geared to the goal of the qualification in question. It is*



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*subversive of sound interpretation and realistic decoding of the prescription to telescope the two and make both mandatory in point of time. What is essential is the possession of a diploma before the given date; what is ancillary is the safe mode of proof of the qualification. **To confuse between a fact and its proof is blurred perspicacity.** To make mandatory the date of acquiring the additional qualification before the last date for application makes sense. But if it is unshakeably shown that the qualification has been acquired before the relevant date, as is the case here, to invalidate this merit factor because **proof, though indubitable, was adduced a few days later but before the selection or in a manner not mentioned in the prospectus, but still above board, is to make procedure not the handmaid but the mistress and form not as subservient to substance but as superior to the essence.***

24. It is notorious that this formalistic, ritualistic approach is unrealistic and is unwittingly traumatic, unjust and subversive of the purpose of the exercise. **This way of viewing problems dehumanises the administrative, judicial and even legislative processes in the**



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wider perspective of law for man and not man for law. Much of hardship and harassment in administration flows from overemphasis on the external rather than the essential. We think the Government and the Selection Committee rightly treated as directory (not mandatory) the mode of proving the holding of diplomas and as mandatory the actual possession of the diploma. In actual life, we know how exasperatingly dilatory it is to get copies of degrees, decrees and deeds, not to speak of other authenticated documents like marklists from universities, why, even bail orders from courts and government orders from public offices.”

9. The appellant undoubtedly belonged to reserved MI category. She comes from a very humble background, her father was only a Naik in the armed forces. He may not have noticed the mistake which had been committed by the Zilla Sainik Board while issuing the first certificate dated 29-6-2003. **But it does not mean that the appellant should be denied her due when she produced a correct certificate at the stage of second counselling.** Those who secured rank lower than the appellant have already been



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admitted. The view taken by the authorities in denying admission to the appellant is wholly unjust and illegal.

*10. The appellant had qualified in JEE-2003 but the said academic year is already over. **But for this situation the fault lies with the respondents, who adopted a highly technical and rigid attitude, and not with the appellant.** We are, therefore, of the opinion that the appellant should be given admission in MBBS course in any of the State medical colleges in the current academic year.*

*11. The appeal is accordingly allowed with costs. The judgment and order dated 31-10-2003 of the High Court is set aside. **The respondents are directed to give admission to the appellant in any one of the State medical colleges forthwith. In case the State seats have already been filled up, one extra seat shall be created for her.***

[Emphasis Supplied]

10. The facts in the instant case are similar to the aforementioned case. In this case, the petitioner belongs to Schedule Caste community which is not disputed by the respondents. He had the requisite educational



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qualification having failed in 12th standard and therefore, having passed upto 11th standard , the required qualification being pass in 10th standard. He had applied under PSTM category. He had produced a certificate to show that he had passed 10th standard in Tamil medium. He had also studied the 11th and 12th standard in Tamil medium. He had also produced a certificate to show his 10th standard mark sheet wherein the medium of study is given as Tamil. If the respondents had wanted him to produce a certificate that he had studied the entire course from 1st standard to 10th standard in Tamil medium, they could have asked him to produce the same. He has also subsequently produced a certificate to show that he had studied upto 5th standard and above in Tamil medium. This certificate is also enclosed as a document filed along with the Writ Petition. He had obtained 65% marks in the qualifying examination. Those, who had obtained even zero marks have been selected. There is no credible reason advanced why the petitioner had been disqualified.

11. On the side of the respondents, it is contended that the petitioner had approached the Court after considerable period of time. But even in the Judgment cited *supra*, the Hon'ble Supreme Court had given consideration



to the fact that the appellant therein belonged to reserved MI category and come from a very humble background and her father was only a Naik in the armed force and would not have noticed the mistake in the certificate issued. It had also been noted that those, who had got lower marks had been granted admission. As a matter of fact, even though the academic year was already over, the Hon'ble Supreme Court had given a direction that she may be given admission in the current academic year in any medical college and to create one extra seat. Therefore, the issue of delay cannot be held against the petitioner.

12. It had been further contended on behalf of the respondents that there are only 387 vacancies as on date, all reserved for those who suffered from physical disablement. But if the petitioner's certificate had been properly considered and if the petitioner had been granted an opportunity to produce required certificates in the first instance, then the petitioner would certainly have been issued with an appointment order particularly since those who had obtained even zero marks in the written examination had been selected. Therefore, I hold that the petitioner deserves to be issued with an appointment letter and must be declared as having been selected.



WEB COPY 13. As pointed out by the Hon'ble Supreme Court, the appellant therein had qualified in JEE-2003 but the said academic year was already over, but that the fault lay with the respondents, who adopted a highly technical and rigid attitude, and not with the appellant therein.

14. In the instant case, the petitioner had been rejected on extremely narrow grounds. A simple enquiry would have revealed that in the school where the petitioner studied, which is a Government School, there was no possibility of education being afforded in English medium. The only medium in which education could be afforded was Tamil medium. The petitioner should have been considered for appointment and his credentials should have been appreciated. He should not have been disqualified.

15. I direct the respondents to issue necessary appointment order to the petitioner as Gangman but however, since the petitioner himself had approached the Court with delay, I hold he is not entitled to service or monetary benefits but is entitled to such benefits from the date on which he actually joins the respondents as Gangman. Necessary orders in this regard must be passed within a period of four weeks from this date.



16. The Writ Petition stands allowed. No costs. Consequently,

connected Writ Miscellaneous Petition is closed.

02.06.2025

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

C.V.KARTHIKEYAN, J.,

vsg

To

1. The Chairman
TANGEDCO
NPKRR Maligai
No.144, Anna Salai
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2. Chief Engineer (Personnel)
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Pre-Delivery Order made in

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