



W.P.No.19948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on	10.07.2025
Pronounced on	14.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.19948 of 2025
and
W.M.P.Nos.22501 and 22502 of 2025

V.Tamilselvi

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 003.

2. The Principal Chief Conservator of Forests,
Forest Department,
Guindy-Velachery Road,
Kannigapuram Check Post,
Guindy, Chennai – 600 032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned list of candidates provisionally admitted for physical certificate verification and counselling for the post of Forest Watcher (Tribal Youth) in Forest Department and Tamil Nadu Forest Plantation Corporation Limited, issued by the first respondent, dated 05.05.2025, and to quash the same insofar as it has shown the petitioner's Registration No.1712004250, as not reached the zone of consideration, is concerned and consequently direct



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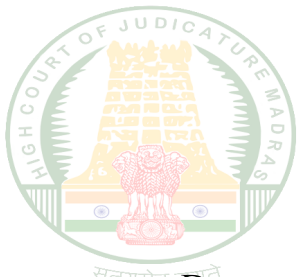
the respondents to admit the petitioner for physical certificate verification and counselling and to issue order of appointment to her for the post of Forest Watcher (Tribal Youth) in the Forest Department.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mrs.G.Hema,
Standing Counsel for TNPSC (R1)
Mr.C.Selvaraj,
Additional Government Pleader
(for R2)

ORDER

The instant writ petition has been filed challenging the impugned list of candidates provisionally admitted for physical certificate verification and counselling for the post of Forest Watcher (Tribal Youth) in the Forest Department and Tamil Nadu Forest Plantation Corporation Limited, issued by the first respondent, dated 05.05.2025, insofar as it shows the petitioner's Registration No.1712004250 as not having reached the zone of consideration. The petition seeks to direct the respondents to admit the petitioner for physical certificate verification and counselling and to issue an order of appointment to her for the post of Forest Watcher (Tribal Youth) in the Forest



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Department.

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2. The short facts which are required for the effective disposal of the present Writ Petition are that, the petitioner applied to all the posts notified in Notification No.1 of 2024, dated 30.01.2024. Among all the posts, the petitioner is very much keen to crack the selection of the post of Village Administrative Officer, Junior Assistant, and Forest Watcher (Tribal Youth). As per the instructions in the notification, she uploaded all the documents and also participated in the examination, and securing 211.50 marks. Her rank according to her community is 331 for the post of Forest Watcher (Tribal Youth).

3. For the post of Forest Watcher (Tribal Youth), apart from the educational qualification, the candidates must also pass in endurance test. Based on the first respondent's information dated 11.04.2025, the petitioner participated in the endurance test and successfully completed the same.

4. While the petitioner was awaiting a call letter from the first respondent for physical certificate verification and counselling, though the



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petitioner qualified in the physical test and endurance test, she was not considered for the post of Forest Watcher (Tribal Youth). According to the petitioner, those who secured lower marks than the petitioner were admitted for physical certificate verification. Hence, the petitioner filed the present Writ Petition.

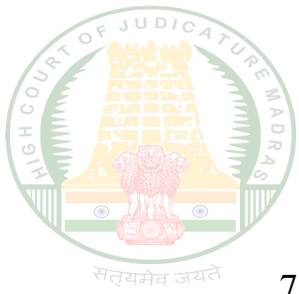
5. The learned counsel for the petitioner would contend that the petitioner had secured 211.50 marks and stood at communal rank No.331. Despite the same, the other candidates who secured less marks were called for the physical certificate verification test, whereas the petitioner was not called for without any reason. It is his submission that the petitioner is qualified to apply for the post of Forest Watcher (Tribal Youth). However, for a trivial reasons, the first respondent has not considered the petitioner's candidature. In support of his contention, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in ***Dolly Chandra Vs. Chairman, JEE***, reported in ***(2005) 9 SCC 779***, and the order of the learned Single Judge of this Court in ***K. Paranthaman Vs. Secretary (W.P. No. 107 of 2022, vide order dated 18.06.2024)***. Hence, he prayed for a direction to the first respondent to admit the petitioner for



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physical verification and counselling and to issue an order of appointment to the post of Forest Watcher (Tribal Youth).

6. Per contra, the learned Standing Counsel appearing for the first respondent would vehemently contend that, though the petitioner has the educational qualification to apply for the post of Forest Watcher (Tribal Youth), she should also satisfy the special conditions stipulated in clause 5.5.4, qua a resident of Forest Settlements of Western Ghats or Eastern Ghats. However, the petitioner did not satisfy this requirement, and there is no detail in the application form, hence, she was not considered for the post of Forest Watcher (Tribal Youth). In contrast, the other candidates who secured lower mark, as referred to by the petitioner, claimed that they are the resident of Western Ghats or Eastern Ghats, and therefore, they have been considered. Thus, it is contend that, there is no infirmity in the selection process. In support of her contentions, the learned Standing Counsel for the first respondent relied upon the judgment of the Hon'ble Supreme Court of India in *State of Tamil Nadu represented by its Secretary Vs. G. Hemalathaa*, reported in *2019 SCC OnLine SC 1113*.



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7. I have given my anxious consideration to the submissions made by either side.

8. It is not in dispute that the petitioner has the required educational qualification for the post of Forest Watcher (Tribal Youth). It is further not in dispute that apart from the educational qualification, the petitioner has also qualified in the endurance test. It is also not in dispute that the petitioner's rank is higher than that of a few persons who have been called for physical certificate verification. However, the only reason for denying her opportunity is that she did not claim, in the relevant column of the application form, that she belongs to Western Ghats or Eastern Ghats. For more clarity, this Court deems it appropriate to extract the relevant paragraphs from the counter affidavit filed by the first respondent, which read as follows:-

“5. In this regard, it is humbly submitted that the prescribed Educational Qualification for the post of Forest Watcher (Tribal Youth) as per para 5.2 of the Commission's Notification are detailed below:

<i>Forest Watcher (Tribal Youth)</i>	<i>1. Must possess Minimum General Educational Qualification. 2. Other things being equal, preference shall be given to persons who have been discharged from the Army Service (Land Force).</i>
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6. Further, as per para 5.5.4 of the Commission's



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Notification the candidates from the following Districts are considered for the posts of Forest Watcher (Tribal Yout).

The candidates belonging to the Scheduled Tribes living in Forest Settlements of Western Ghats Districts viz., Tirunelveli, Tenkasi, Virudhunagar, Dindigul, Theni, Coimbatore, Tiruppur, The Nilgiris, Madurai and Kanniyakumari and Eastern Ghats Districts viz., Erode, Namakkal, Salem, Dharmapuri, Tiruvannamalai, Vellore, Tirupathur, Ranipet, Villupuram, Triuchirapalli and Perambalur, are only eligible to the post of Forest Watcher (Tribal Yout).

7. It is further humbly submitted that as per para 6.2.2 of the Commission's Notification No.01/2024, dated 30.01.2024 reads as follows:

“After the onscreen certificate verification, the eligible candidates who have opted for the said posts in their online application, will be admitted to the Endurance Test in 1:3 ratio. These candidates shall undergo a Physical Standards Verification and Endurance Test consisting of a walk over 25 km and 16 km to be completed in four hours by male and female/third gender candidates respectively which will be conducted by the Principal Chief Conservator of Forests. A certificate to this effect must be obtained from a Gazetted Forest Officer nominated by the Principal Chief Conservator of Forests on his behalf and produced. The Physical Standards and Endurance Test will be conducted only at Chennai.

8. It is humbly submitted that, with respect to the post of Forest Guard, Forest Watcher (Tribal Yout), as per para 6.2.2 of the Commission's Notification No.01/2024 dated 30.01.2024 candidates have been called for Physical Standards Test and Endurance Test in 1:3 ratio and for the Physical Certificate Verification and counselling, the candidates have been called for in the ratio of 1:3 for the General Turn and 1:1.5 for Reserved Categories.

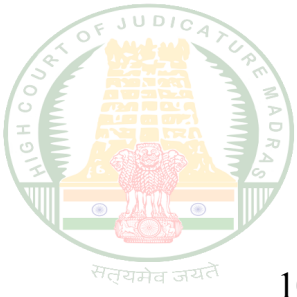


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9. *In this connection, it is submitted that, with respect to the averments of the petitioner it is submitted that, the candidate in her online application has not claimed that she belongs to Western Ghats or Eastern Ghats in the column specified for the same. Hence, at the time of Physical Certificate Verification she has not been considered for the post of Forest Watcher (Tribal Youth). However, the candidates with Reg.No.1206017131 and Register No.1712003390 have claimed that they belong to the Western and Eastern Ghats Districts. Hence, their application of the candidates have been considered for the post of Forest Watcher (Tribal Youth)."*

9. The learned Standing Counsel submitted the printout of the online application of one K. Vijayakumar, who, according to the petitioner, scored next to her. In response to the query regarding whether he belongs to Scheduled Tribes living in the Forest Settlements of Western Ghats or Eastern Ghats, K. Vijayakumar answered "yes" and further asserted that he belongs to Salem District, which is one of the places within the Western Ghats. Admittedly, the petitioner did not fill in that option. It is not in dispute that who ever applied, can compete for all the post mentioned in the notification, subject to their qualification, and there is no option to select the specific post. Consequently, the first respondent cannot claim that the petitioner did not apply for the post of Forest Watcher (Tribal Youth).

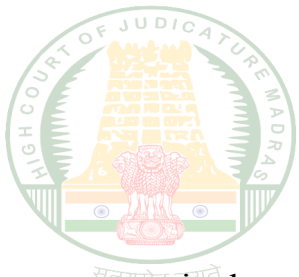


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10. The only ground urged by the petitioner is that the petitioner has not selected the column as required by the software program to consider her for the post of Forest Watcher (Tribal Youth). As already extracted, for a person to be considered for the post of Forest Watcher (Tribal Youth), apart from having educational qualification and physical endurance, they must belong to Scheduled Tribes and must be living in the Forest Settlements of Western Ghats or Eastern Ghats. It is not in dispute that the petitioner belongs to Scheduled Tribes (ST). It is further not in dispute that she belongs to Vazhapadi Taluk, Salem District, which comes within the Western Ghats settlement. These details have been provided by the petitioner in the application itself, but while answering the generic question. However, the petitioner did not answer at the required place, as required by the software programming to understand in order to consider her candidature for the post of Forest Watcher (Tribal Youth).

11. From the above discussion, it is amply clear that apart from the petitioner's educational qualification and physical endurance qualification, she also belongs to Scheduled Tribes and is living in the Forest Settlement of Western Ghats within the District of Salem. She also provided all the details



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in the application itself. But in different place of the application.

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12. To put it more precisely, though she had given the required details, due to the inadequacy in the software programming, the petitioner was denied an opportunity to participate in the physical certificate verification. In this connection, it is appropriate to refer to the recent judgment of the Hon'ble Supreme Court of India in ***Vashist Narayan Kumar Vs. State of Bihar and others***, reported in ***2024 SCC OnLine SC 2***, which held that whenever an error in the application is trivial and did not play any part in the selection process, the authority cannot justify making a mountain out of this. Here, had the software have programming to recognize the petitioner's entry of the details at the different place, she would have been called for physical certificate verification. Here this error is only trivial in nature, as their required details are otherwise available.

13. In this regard, it is relevant to extract the paragraphs 15 and 16 of the judgement of the Hon'ble Supreme Court of India in ***Vashist Narayan Kumar's case*** cited supra, which reads as follows:-

“15. Recently this Bench in *Divya v. Union of India*, 2023 : INSC : 900 = (2023) 13 Scale 730, while declining relief to



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candidates who acquired eligibility after the date mentioned in the notification carved out a narrow exception. There, the judgment in Ajay Kumar Mishra v. Union of India, 2016 SCC OnLine Del 6563, a case very similar to the facts of the present case, was noted. In Ajai Kumar Mishra (supra), Indira Banerjee, J. (as Her Ladyship then was) speaking for the Division Bench of the Delhi High Court in para 9 stated as under:—

9. It is true that whenever any material discrepancy is noticed in the application form and/or when any suppression and/or mis-representation is detected, the candidature might be cancelled even after the application has been processed and the candidate has been allowed to participate in the selection process. However, after a candidate has participated in the selection process and cleared all the stages successfully, his candidature can only be cancelled, after careful scrutiny of the gravity of the lapse, and not for trivial omissions or errors.

(emphasis supplied)

16. The exception for trivial errors or omissions is for the reason that law does not concern itself with trifles. This principle is recognized in the legal maxim - De minimis non curat lex.

14. This Court is of the firm view that the petitioner belongs to a downtrodden community and has been living in Vazhapadi Taluk, Salem District, and has completed her education from Government Schools. It is pertinent to mention here that by her sheer hard work, she came within the zone of consideration. In view of the above circumstances, the judgment of



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the Delhi High Court in *Ajay Kumar Mishra Vs. Union of India*, reported in **2016 SCC OnLine Del 6563**, where her ladyship Indira Banerjee, J. (as Her Ladyship then was), speaking for the Division Bench of the Delhi High Court, categorically held, as extracted hereinabove, that when a candidate has participated in the selection process and cleared all stages successfully, his candidature can only be cancelled after careful scrutiny of the gravity of the lapse, and not for trivial omissions or errors.

15. Here, this Court has found that the petitioner is otherwise eligible in all respects, provided she did not fill in the required column as expected by the software of application module, so as to decode it and to include the petitioner for the post of Forest Watcher (Tribal Youth). In this connection, it is also relevant to refer to the judgment of the Hon'ble Supreme Court of India in *Dolly Chhanda's case*, cited supra. According to the above judgment, if a person has the required qualification on the date of notification, any lapse in proving the same on the date of application cannot be a ground to reject the candidature. In yet another judgment of the Hon'ble Supreme Court of India in *Charles K. Skaria and others Vs. Dr. C. Mathew*, reported in **AIR 1980 SC 1230**, it has been held that proof of having obtained



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a diploma is different from the factum of having got it.

16. Even in this case, it is not in dispute that the petitioner belongs to the Western Ghats area, but she failed to prove it on the date of application. The judgment of the Division Bench of this Court in *C. Stella Mary Vs. TNPSC*, reported in **2009 (6) MLJ 1211**, has held that it is not appropriate to stick to a technicality, which is not only merely procedural but defeats the very object sought to be achieved.

17. Though the learned Standing Counsel refers to the judgements in *G. Hemalathaa's case*, cited supra, and *Tej Prakash Pathak & others*, reported in **2025 (2) SCC 1**, as a matter of fact, this Court is not granting any concession to the petitioner. Rather, it has only explained that the petitioner is otherwise qualified for the post of Forest Watcher (Tribal Youth) and had given all the details to be considered for that post, but at different context.

18. In view of the above factual and legal matrix, this Court finds merit in favour of the petitioner. As such, the impugned notification is quashed insofar as it shows the petitioner's Register No. 1712004250. The first respondent is directed to admit the petitioner for physical certificate verification and counselling and issue an order of appointment to the post of



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Forest Watcher (Tribal Youth), if she has otherwise secured the required marks to be considered for the said post.

19. In the result, this Writ Petition is allowed as indicated above. Consequently, the connected Miscellaneous petitions are closed. No costs.

20. At the time of pronouncing the order, the learned Standing Counsel appearing for the first respondent submitted that they have already considered the case of the petitioner for the next level, which course correction needs to be appreciated.

14.07.2025

kv
Index : Yes
Speaking order
Neutral Citation : Yes

To

1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 003.
2. The Principal Chief Conservator of Forests,
Forest Department,
Guindy-Velachery Road,



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C.KUMARAPPAN, J.

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