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WP.Nos.21201, 21269 & 20138 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.06.2025 & 18.06.2025

PRONOUNCED ON : 01.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.Nos.21201, 21269 & 20138 of 2025

and

WMP.Nos.23944 & 22713 of 2025

P.Lekha

... Petitioner in WP.No.21201/2025

Sasipriya

... Petitioner in WP.No.21269/2025

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai-600 003.

... Respondent in both WPs.

WP.No.20138/2025

M.Sabari Kirija

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai-600 003.
2. The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai-600 003.

... Respondents

Prayer in WP.No.21201/2025: Writ Petition filed under Article 226 of



WP.Nos.21201, 21269 & 20138 of 2025

Constitution of India, praying to issue a writ of Mandamus, directing the respondent to permit the petitioner (Regn.No.0112024112) to participate in the Certificate Verification by uploading the documents for Onscreen Certificate Verification based on the verification based on the provisional selection communicated by the respondent and to consider the petitioner for appointment to the post coming under Combined Civil Services Examination-II (Group IIA Services) based on merit in the selection, in consideration of the representation submitted by the petitioner dated 04.06.2025 and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Prayer in WP.No.21269/2025: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondent to permit the petitioner to upload the original certificates to consider the petitioner's representation dated 11.06.2025 for scrutiny the appointment of TNPSC Group-II A post and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Prayer in WP.No.20138/2025: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, to direct the 2nd respondent to permit me to upload documents for onscreen certificate verification and counselling following the Combined Civil Services Examination-II (Interview Posts/NonInterview Posts) (Group-II Services/Group-IIA Service) held on 08.02.2025 (main) conducted by 2nd respondent notification No.08/2025 dated 20.06.2024 by considering the petitioner's representation dated 29.05.2025 and issue such further or other



WP.Nos.21201, 21269 & 20138 of 2025

order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner
in WP.21201/2025: Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

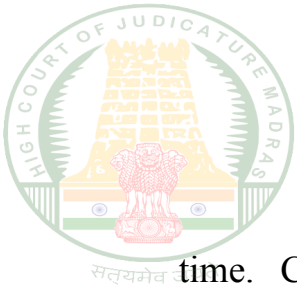
For Petitioner
in WP.21269/2025: Mr.R.Sankarasubbu
For Petitioner
in WP.20138/2025: Mr.X.Selvam Sounder

For Respondent
in all WPs : Mrs.G.Hema
Standing Counsel for TNPSC

COMMON ORDER

All the three writ petitions have been filed to direct the Tamil Nadu Public Service Commission [hereinafter called “TNPSC”] to permit the petitioners to upload the documents for Onscreen Certificate Verification. Since the issues involved in all the three writ petitions are similar, the same are disposed of by way of common order.

2. According to the petitioner in WP.No.20138 of 2025 viz., Sabari Kirija, though she has not received any SMS or email, as stipulated under the Notification for the Onscreen Certificate verification, she also failed to verify the website, as her husband's grandmother passed away at the relevant point of

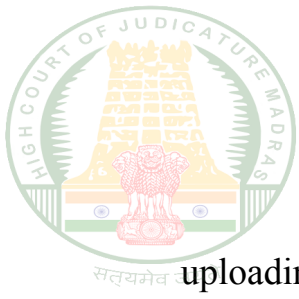


WP.Nos.21201, 21269 & 20138 of 2025

time. Coming to the other petitioner in WP.No.21269 viz., Sasipriya, due to Viral fever, she was not able to move about and that her father was also an illiterate, hence she also could not upload the documents. The last petitioner Lekha, could not submit her documents as she was suffering from Viral Fever and that her cell phone drowned in water and she came to know about the Notification for Onscreen Certificate Verification on 03.06.2025. Thus, all the three petitioners for one reason or other have missed out to upload their documents as directed by the 2nd respondent vide their Selection List dated 05.05.2025. As a matter of fact, all the above petitioners, who have been admitted provisionally to the Onscreen Certificate Verification, were directed to upload their certificates between 16.05.2025 to 25.05.2025. However, upon the reasons stated hereinabove, they were not in a position to upload the documents.

3. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents.

4. The learned counsel for the petitioner would submit that since the TNPSC has issued a press release on 10.06.2025 extending the time for re-



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

uploading of the documents between 11.06.2025 and 20.06.2025 as the certificates were not uploaded by some of the candidates, and were not uploaded properly. While giving opportunity to other candidates, the petitioners who are also similarly placed persons were not provided with such opportunity. Hence, they seek intervention of this Court permitting them to upload their documents. In support of their contentions, the learned counsels relied upon the following judgments:-

1. ***State of Tamil Nadu v. G. Hemalathaa***, reported in **2019 SCC OnLine SC 1113**;
2. ***Priyanka Prakash Kulkarni Vs. Maharashtra Public Service Commission*** reported in **2024 SCC OnLine SC 125**;
3. ***WP.No.29873 of 2016 [R.Kanagapriya Vs. The Secretary]***
4. ***WP.No.19755 of 2021 [R.Archana Devi Vs. The Chairman and another]***
5. ***WA(MD).No.194 of 2022 [The Secretary Vs. T.Subageetha and another]***;
6. ***C.A.No.2634 of 2013 [Tej Prakash Pathak & others]***.

5. Per contra, the learned Standing counsel for TNPSC would submit that there were 7,93,967 candidates had participated in the examination and



WP.Nos.21201, 21269 & 20138 of 2025

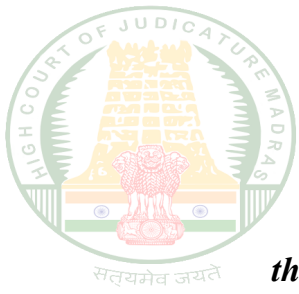
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that among the provisionally selected candidates, 4,174 candidates have successfully uploaded their documents, and 182 candidates have failed to upload the documents. Therefore, by virtue of the Clause 3(1) of the Notification dated 20.06.2024, their applications are liable to be rejected. In support of their contention, the learned Standing Counsel relied upon the judgement of this Court in ***WA.No.567 of 2021 [The Secretary, Tamil Nadu Public Service Commission Vs. The Additional Chief Secretary to Government and another]***. It is the further submission of the learned Standing Counsel that since Sabari Kirija denied receipt of email, copy of the email sent to her has been submitted before this Court.

6. I have given my anxious consideration to either side submissions.

7. Before we delve into the merits of the matter, this Court deems it appropriate to find out the legal position relating to this issue. In ***State of Tamil Nadu v. G. Hemalathaa***, reported in ***2019 SCC OnLine SC 1113***, the Hon'ble Supreme Court held as follows:-

“7. We have given our anxious consideration to the submissions made by the learned Senior Counsel for the respondent. The Instructions issued by the Commission are mandatory, having



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the Instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission [M. Vennila v. T.N. Public Service Commission, 2006 SCC OnLine Mad 465 : (2006) 3 Mad LJ 376].”

(Emphasis supplied by this Court)

In view of the above judgment, the Hon'ble Supreme Court has held that, contrary to the instructions, the High Court cannot give any concession.

8. In the larger Bench Judgement of this Court in ***WA.No.10010 of 2015 and 3611 of 2020 dated 18.02.2020 [Vidya Devarajan and K.Visu Vs. The Secretary, TNPSC]***, has concluded that the instructions of the TNPSC has to be followed scrupulously.

9. In ***Priyanka Prakash Kulkarni Vs. Maharashtra Public Service Commission*** reported in ***2024 SCC OnLine SC 125***, the Hon'ble Supreme Court has confirmed the view expressed by the Hon'ble Supreme Court in ***Hemalathaa's*** case [cited supra]. For ready reference, the relevant paragraphs are extracted hereunder:-



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“10. Mr. Amit Sharma, Ld. Counsel appearing on behalf of the Appellant has fairly submitted before us that the Appellant did not submit her application under the ‘Reserved Female Category’ on account of her inability to obtain an NCL Certificate which was valid as on the last date of submission of the application form i.e., 01.06.2022. However, upon the issuance of the Corrigendum, the Appellants' eligibility qua the ‘Reserved Female Category’ came to be revived as the Appellant was no longer mandated to furnish an NCL Certificate which was valid as on the last date of submission of the application form but instead was called upon to furnish an NCL Certificate pertaining to current financial year.

11.

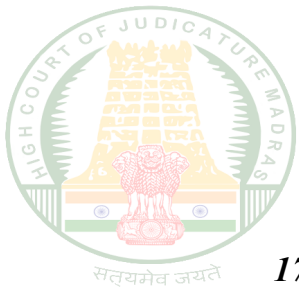
12.

13. Upon a perusal of Paragraph 5.10 read with Paragraph 5.14 of the Impugned Advertisement, it is clear that any application under the ‘Reserved Female Category’ was to be supported by an NCL Certificate that was valid as on the last date of submission of the application form i.e., 01.06.2022. Subsequently, vide the issuance of the Corrigendum, the aforementioned position changed; and candidates were now eligible to furnish an NCL Certificate pertaining to the current financial year.

14. Additionally, Clause 1.2.5.6 and 1.2.5.7 of the Instructions although prohibits any modification and/or change in the application submitted pursuant to the Impugned Advertisement, could not have been interpreted in such a manner so as to nullify the effect of the Corrigendum.

15.

16.



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

17. The aforementioned conduct of the Appellant is bona-fide.

Accordingly, in our view the Appellant cannot be unfairly deprived of the benefit of female reservation merely on account of the Appellant's honesty and restraint which did not allow her to mark 'yes' against a column inquiring about a prospective candidates' status as a person belonging to the NCL, in the absence of the underlying supporting document. Additionally, other similarly situated candidates have been granted the benefit under the Corrigendum; and their otherwise defective applications have now been considered by the Respondent.

18. In our considered opinion, the High Court adopted a hyper-technical interpretation of the Instructions without appreciating that such an interpretation would nullify the effect of the Corrigendum. Such an interpretation ought not to have been adopted especially in light of the fact that other persons have been granted the benefit of the Corrigendum; and that the Respondent has relaxed the Instructions qua such persons so as to enable valid NCL Certificates to be furnished."

(Emphasis supplied by this Court)

According to the above reported judgment, the candidates, who comes under the female category was not in a position to upload the valid documents, which has to be valid as on the date of submission of the applications. However, the Department issued Corrigendum to upload the female category document, as on the current date. By way of the Corrigendum, all the candidates were given liberty to re-upload the documents, which are valid as on the date of fresh



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

submission. In such view of the position, the Hon'ble Supreme Court held that such opportunity must also be given against who have not submitted the relevant documents initially.

10. In **WP.No.29873 of 2016 [R.Kanagapriya Vs. The Secretary]** vide order dated 19.12.2016, the Hon'ble Division Bench of this Court has held that when Articles 14 and 16 of the Constitution of India gives great promise in the form of fundamental rights to the citizens of this Country, minor and non-substantial infractions indulged in by the candidates should not be considered or treated, to come in the way as an impediment for exercise of fundamental rights.

11. The learned Single Judge in WP.No.19755 of 2021 [**R.Archana Devi Vs. The Chairman and another**] has permitted the candidates to upload the documents on account of change in schedule of the Notification.

12. In WA(MD).No.194 of 2022 [**The Secretary Vs. T.Subageetha and another**], the Hon'ble Division Bench of this Court has held that the candidate cannot be asked to suffer for the action which is beyond their control.



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13. The Hon'ble Supreme Court in ***C.A.No.2634 of 2013 [Tej Prakash Pathak & others]*** has held that whenever any change in Rule adopted, then under Article 14 of the Constitution of India, all the candidates must be given opportunity in a non-discriminatory/nonarbitrary manner. For ready reference, this Court deems it appropriate to extract paragraph 42 hereunder:-

"... 42. We, therefore, answer the reference in the following terms:

(1) Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;

*(2) Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. **Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;***

(3) The decision in K. Manjusree (supra) lays down good law and is not in conflict with the decision in Subash Chander Marwaha (supra). Subash Chander Marwaha (supra) deals with the right to be appointed from the Select List whereas K. Manjusree (supra) deals with the right to be placed in the Select List. The two cases therefore deal with altogether different issues;

*(4) **Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-discriminatory/ nonarbitrary and has a rational nexus to the object sought to be achieved.***

(5) Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the Rules are non-existent, or silent, administrative instructions may fill in the gaps;



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

(6) Placement in the select list gives no infeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list."

(Emphasis supplied by this Court)

14. Similarly, the Hon'ble Division Bench in WA.No.567 of 2021 [***The Secretary, Tamil Nadu Public Service Commission Vs. The Additional Chief Secretary to Government and another***] has reiterated that the instructions given by the TNPSC is having force of Statute and that no deviation from the terms and conditions of an advertisement and Rules for the recruitment of a public office shall be permitted and such deviation would result in course of injustice to the other candidates.

15. Therefore, from all the above precedents broadly, the following principles are emerging:-

- (i) When a similarly situated candidate is granted benefit under the Corrigendum, then all other similarly placed persons must be given opportunity under Article 14 of the Constitution of India.
- (ii) For minor and non-substantial infraction, the rights conferred under Articles 14 and 16 cannot be denied.
- (iii) When the recruitment Schedule is changed, an extension of time for production of documents may be given.
- (iv) No candidates can be asked to suffer for the action which



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

is beyond their control.

- (v) When Rules for recruitment changed midway, under Article 14 of the Constitution of India, benefit to be given to all candidates.
- (vi) The recruiting Agency must provide transparent procedure, in a non discriminatory/non arbitrary manner.

In the backdrop of the above legal principles, let us proceed with the factual position of the instant cases.

16. In the case in hand, on 20.06.2024 Notification was issued for selecting candidates for Combined Civil Service Examination [Group-II and Group-III service). The learned Standing Counsel would invite the attention of this Court of instruction in Clause 8(2) and would submit that the petitioners were provided with information about the Online uploading of applications through email, sms. Apart from that, they were also directed to watch the Commission website. In the instant cases, except the petitioner Sabari Kirija [Petitioner in WP.No.20138/2025], the other two petitioners aware about the information uploaded in the website. But, their contention is that, because of their ill health, they were not able to upload the documents. Whereas in Sabari Kirija's case, she did not receive both e-mail as well as SMS. However, the

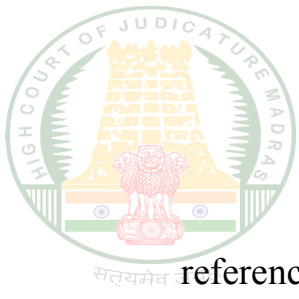


WP.Nos.21201, 21269 & 20138 of 2025

respondent had submitted the proof that the e-mail has been sent to her on 16.05.2025 itself. Strictly speaking, all the petitioners are aware about the schedule of Online Certificate Verification. Therefore, the first limb of submission that they did not receive any information from the TNPSC is liable to be rejected.

17. It is obvious that while exercising the power of judicial review, the Court cannot grant any concession contrary to the Recruitment Rules and the conditions stipulated in the Notification. But, in the case in hand, subsequent to the Notification having stipulated in the Notification that the application would be rejected, if the documents are not uploaded, has given a Corrigendum dated 10.06.2025 enabling the candidates to re-upload as their documents/certificates were either not uploaded within the stipulated time earlier or found to be defective. As such in the teeth of the above clause, whether the petitioners are entitled for any relief is to be seen.

18. In this regard, the next limb of submission is that, though they failed to upload the documents due to unavoidable circumstances, having given opportunity under Corrigendum dated 10.06.2025 to the candidates, who did not upload the documents correctly, and to rectify their mistakes by re-uploading, such opportunity has to be given these petitioners also. For ready



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

reference, this Court deems it appropriate to extract relevant portion of Corrigendum dated 10.06.2025, the same is as follows:-

*“1.The list of Register number of the candidates who have been admitted provisionally to the Onscreen Certificate Verification for the Combined Civil Services Examination-II (Group II and IIA Services) are instructed to re-upload the documents through **OTR Account from 11.06.2025 to 20.06.2025 (11.59.pm)**, since the document(s)/certificate(s) were either not uploaded within the stipulated time earlier or found to be defective.”*

According to the above Notification, permission was given to re-upload the documents, since the documents were not either not uploaded within the stipulated time earlier or found to be defective. In this connection, a press release was also issued to re-upload between 11.06.2025 to 20.06.2025. But, the petitioners were not allowed to upload the documents.

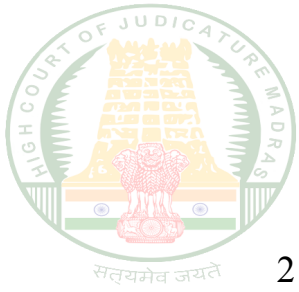
19. At this juncture, this Court deems it appropriate to refer Clauses 3.19.1 and 3.19.4. According to the above Clause, whenever the candidate not uploaded the documents, the application will be rejected. Even in spite of such strict conditions imposed in their Notification, by way of a Notification dated 10.06.2025, they have extended time so as to enable 4,174 candidates to re-upload the documents, which they either not uploaded or defectively uploaded.



WP.Nos.21201, 21269 & 20138 of 2025

Even according to the respondent, it was only 182 candidates failed to upload the documents. When the benefit of re-uploading the documents given to many candidates, denial to such right to the 182 left out candidates would directly offend Article 14 of the Constitution of India. However, the learned Standing counsel would submit that the facility of re-uploading was given to those candidates who have initially uploaded their documents, but with delay, whereas, these petitioners have not at all uploaded the documents, and if any permission is granted, it would open the Pandora's box.

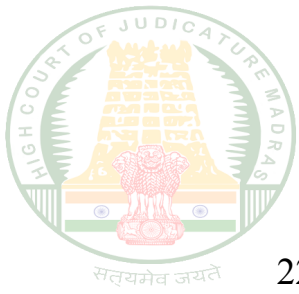
20. At this juncture, this Court would like to refer the judgment of Hon'ble Supreme Court in **Priyanka Prakash's** case [cited supra], wherein this Court after gone into various aspects elaborately, in an identical situation, has held that, similarly situated candidates must also be provided with the same benefits in accordance with the Corrigendum. Similarly, in **Tej Prakash Pathak's** case [cited supra], held that whenever the recruiting agency change the Rule midway, then such facility has to be given to all the candidates by virtue of Article 14 of the Constitution of India in a non discriminatory or non arbitrary manner.



WP.Nos.21201, 21269 & 20138 of 2025

WEB COPY

21. In such view of the matter, this Court is of the firm view that though there is a fault on the part of the petitioner in not uploading the document within the time, when an opportunity was given to the other candidates, whose documents uploaded belatedly and incorrectly, there is no rational to deny such opportunity to these petitioners. Now that the respondent has extended time so as to enable 4,174 candidates to re-upload their documents correctly and to rectify their mistakes. It is in this background, under Article 14 of the Constitution of India, the petitioners and other similarly situated persons totalling 182 candidates must also be given such relief. Here, the issue is not the existence of fact, but only a proof of fact. Hence, the benefit of extension may also be given to the petitioners and other similarly situated persons.



WP.Nos.21201, 21269 & 20138 of 2025

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22. In such view of the matter, this Court deems it appropriate to allow the writ petition, and the respondents are directed to extend the time to 182 similarly situated persons to upload the documents or permit them to submit their documents directly. Such exercise has to be initiated within a period of seven (7) days from the date of receipt of a copy of this order.

23. In the result, these writ petitions are allowed with the above directions. There shall be no order as to costs. Consequently connected WMPs are also closed.

01.07.2025

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai-600 003.

2. The Chairman,
Tamil Nadu Public Service Commission,
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WP.Nos.21201, 21269 & 20138 of 2025

C.KUMARAPPAN, J.

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Pre-Delivery Orders in
WP.Nos.21201, 21269 & 20138 of 2025

01.07.2025