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W.P.No.24424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.24424 of 2024 &
WMP.No.26702 of 2024

K.Indhumathi ... Petitioner

Vs.

- 1.The Union of India, rep. by its
Chief Secretary,
Government of Puducherry,
Puducherry.
 - 2.Under Secretary (DP & AR),
Chief Secretariat,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Government of Puducherry,
Puducherry.
 - 3.Thirumaran E
 - 4.Murugayan M
 - 5.The Registrar,
Central Administrative Tribunal,
Chennai Beach,
Chennai – 600 001.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to order dated 20.02.2024 passed by the 5th respondent Tribunal in O.A.No.1705 of 2015 and to quash the same and to direct the respondent to appoint the petitioner to the post of



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Upper Division Clerk pursuant to Notification dated 11.08.2015 with consequential benefits including arrears of pay and allowances flowing there from.

For Petitioner : Ms.Y.Kavitha

Respondents 1 & 2: Mr.R.Syed Mustafa,
Special Public Prosecutor (Pondicherry)

R5- Tribunal

ORDER

*(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)*

The petitioner is a scheduled caste candidate. She had completed her B.Tech from Pondicherry University. She is a native of Pondicherry and belongs to the Hindu Adi Dravidar caste. The said caste is recognised as “Scheduled Caste” under the Constitution (Pondicherry) Scheduled Castes Order, 1964.

2. The official respondent issued a notification calling for applications from eligible persons for direct recruitment to the post of Upper Division Clerk (hereinafter referred to as “UDC”) in the Department of Personnel and Administrative Reforms. Of the total number of vacancies of 503, 80 posts were reserved for persons belonging to Scheduled Caste Communities. The mode of filing the application was online. The writ petitioner had accordingly, filled up the application form online.

3. The options given for a Scheduled Caste candidate was



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following:

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- (i) SC - as per presidential order 1964 and 2002 for Puthiraivannan; and
- (ii) SC – others.

4. The petitioner pleads that as she does not belong to the Puthiraivannan community, she clicked the option of “SC- others”. The petitioner attended the written examination and secured 33.5 marks in the examination. The cut off mark for scheduled caste candidates was 31. However, the petitioner was surprised to note that she was not selected. Hence, she moved an application in OA.No.1551/2015 before the Central Administrative Tribunal (hereinafter referred to as “Tribunal”). By an order dated 05.11.2015, the Tribunal directed the respondents to dispose of the representation given by the petitioner on 28.10.2015.

5. In obedience to this direction, the respondents passed an order on 23.11.2015. By that order, the respondents held that, as the petitioner had not corrected the error of “SC-others” to “SC- as per presidential order 1964 and 2002 for Puthiraivannan” soon after it had been made, and since she submitted the representation only after her name was not found in the selection list, and since 79 persons have already been selected out of 80 vacancies, the representation has to be rejected.



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6. Challenging the same, the petitioner preferred OA.No.1705 of 2015 before the Central Administrative Tribunal. By an order dated 22.12.2015, the Tribunal directed the respondents to keep one post of UDC under the Scheduled Caste quota vacant until further orders. Thereafter, it directed the respondents to file their counter. After a counter was filed by the respondents, the application was taken up for disposal.

7. The Tribunal held that the mistake committed by the applicant/petitioner is not a minor one. It pointed out that as the applicant belongs to Scheduled Caste, she should have applied under “SC - as per presidential order 1964 and 2002 for Puthiraivannan”, instead of “SC - others”. She should have made an application for correction in the online immediately. It agreed with the reasoning of the respondents that the request for correction was made belatedly and made after publication of the results and thereafter, dismissed the application. Challenging the same, the present writ petition.

8. We heard Ms.Y.Kavitha for the writ petitioner and Mr.Syed Mustafa, learned Special Government Pleader for the respondents 1 and 2. We have gone through the records and considered the submissions of the counsel.



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9. Certain facts are not in dispute:

(i) that the petitioner belongs to Scheduled Caste Hindu Adi-Dravidar community;

(ii) that the petitioner is a resident of Pondicherry and had received certificates that she is a resident of Pondicherry. as well as that she is a Scheduled Caste of Pondicherry origin. and those certificates were also uploaded along with the application;

(iii) that the petitioner had secured 33.5 marks in the examination and the cut-off mark for SC candidates was 31.

(iv) that the pull down menu in the online application form had only two options viz.,

(a) SC-as per presidential order 1964 and 2002 for Puthiraivannan; and

(b) SC- others;

(v) that of the selected candidates in the SC category, Sl.No.51 to Sl.No.71 had secured lesser marks than the writ petitioner; and

(vi) the last one post of UDC - SC continues to be vacant.

10. The issue that is presented before us is whether the admitted error committed by the petitioner by selecting “SC-others” instead of “SC-as per presidential order 1964 and 2002 for Puthiraivannan” is fatal to her case. If the error is a material one, then



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the writ petitioner is not entitled to succeed. However, if the error is trivial in nature, then the petitioner necessarily has to get the relief sought for in the writ petition.

11. The petitioner had participated in the selection process. She had come out successful. She is an SC candidate of Pondicherry origin, which is beyond cavil. While uploading her application, the writ petitioner had produced all necessary certificates pointing out to her claim for reservation as well as that she falls under the category of SC-Pondicherry origin. On account of lack of options in the online form, which could have led to the confusion, the applicant had chosen “SC-others”. On account of this error, the petitioner, who is otherwise entitled to be considered as a reserved candidate of Puducherry origin, falls outside the protection of reservation and came to be considered under the unreserved category.

12. While Mr.Syed Mustafa urged that the error is grave enough to constitute a wrong and misleading information, we are not inclined to accept the same. A similar issue had been gone into by the Delhi High Court in **Ajay Kumar Mishra v. Union of India, 2016 SCC Online Del 6553**. It was a case where the candidature of the writ petitioner therein for admission to the prestigious National Defence Academy was cancelled. The reason for cancellation being incorrect information regarding the actual date of birth of the petitioner.



Instead of giving his date of birth as 10.07.1998, the candidate had entered it as 11.07.1998. He had undertaken the written examination and had cleared the same. He was called upon to attend the interview as well as the medical test. In both these tests, he came out successful. However, the respondents therein rejected the request for correction. Dealing with this issue, Indira Banerjee and Anil Kumar Chawla, JJ. held as follows:

“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.”

13. The Division Bench also relied upon the three Judges bench of the Supreme Court in ***Avtar Singh v. Union of India, (2016) 8 SCC 471*** and the relevant portion extracted hereunder:

“35. Suppression of “material” information presupposes that what is suppressed that “matters” not every technical or trivial matter. The employer has to act on due consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person



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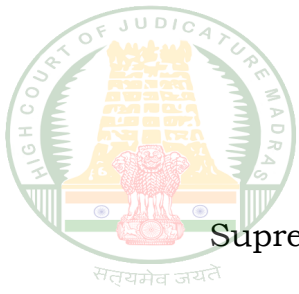
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who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.

36. *What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post/nature of duties/services and power has to be exercised on due consideration of various aspects.”*

14. The bench had pointed out that there is a difference between a mere inadvertent error and misrepresentation or suppression. When the case falls under the latter category, the court will obviously not come to the rescue of such a person. However, if it is a mere inadvertent error, by which, the petitioner had not derived any advantage, the court should interfere and come to the rescue of such a person.

15. The view taken by Ms. Justice Indira Banerjee was accepted in a recent judgment of the Supreme Court in **Vashist Narayan Kumar v. State of Bihar, (2024) 11 SCC 785**. After confirming the view of Ms. Justice Indira Banerjee in **Ajay Kumar Mishra**'s case, the



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Supreme Court held that a person should not be penalised for insignificant error, which does not make any difference in the ultimate result.

16. In the light of the admitted facts, that the petitioner is an SC woman from Puducherry, who had produced the certificates to substantiate the same, and since she had successfully cleared the written examination, she should not be punished for an error, which had occurred due to the misunderstanding of a drop down menu while filing the online application.

17. As pointed out by the Division Bench of the Delhi High Court, as well the Supreme Court, the petitioner has not gained any unfair advantage by the error. In fact, she has been constrained to approach the court on more than one occasion.

18. The Tribunal had not analysed the issue in the correct perspective. It failed to consider that Community, Nativity and Caste Certificates had been furnished by the petitioner at the earliest point of time. By looking at those documents, the Tribunal should have concluded that the claim of the petitioner is genuine and the error is trivial.

19. In the light of the above, the writ petition succeeds on the



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following terms:

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(i) the order passed by the Tribunal in O.A.No.1705 of 2015 dated 20.02.2024, is set aside;

(ii) the order in 34015/21/2015/DP&AR(Exam)/227 dated 23.11.2015 passed by the second respondent is quashed;

(iii) the respondents are directed to appoint the petitioner in the post of UDC and place the petitioner as a last candidate in the list of seniority amongst the selected SC candidates, pursuant to the notification dated 11.08.2015; and

(iv) The petitioner will not be entitled to any financial benefits. She will be entitled to the notional benefits alone.

(v) The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

No costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R, J.) (V.L.N, J.)
11.08.2025

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Index : Yes
Speaking Order
Neutral Citation : Yes



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To

- 1.The Chief Secretary,
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- 2.The Under Secretary (DP & AR),
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**M.S. RAMESH, J.
and
V.LAKSHMINARAYANAN, J.**

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