



W.A.(MD) No.559 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD) No.559 of 2020

The Chief Engineer/Personnel,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.

... Appellant/
1st Respondent

Vs.

1.M.Rajadurai
2.The Registrar,
Anna University,
Chennai.

... 1st Respondent/
Writ Petitioner
... 2nd Respondent/
2nd Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 12.11.2019 made in W.P.(MD) No.19487 of 2019 on the file of this Court.

For Appellant	:	Ms.M.Malini for M/s.T.S.Gopalan and Co.
For R1	:	Mr.S.Sivathilagar
For R2	:	Mr.J.John Rajadurai



W.A.(MD) No.559 of 2020

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JUDGMENT

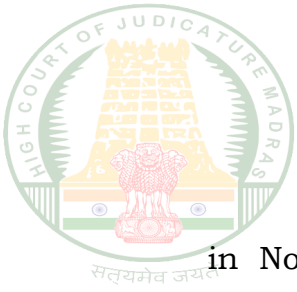
[Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.]

This intra-Court appeal has been instituted challenging the order dated 12.11.2019 passed in W.P.(MD) No.19487 of 2019.

2. The Chief Engineer/Personnel, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) is the appellant.

3. The writ petitioner/first respondent herein has instituted the writ proceedings challenging the notification in letter dated 26.08.2019 issued by the appellant herein stating that the first respondent/writ petitioner has not submitted online application under the priority quota of dependent of Ex-serviceman and an opportunity was provided to the writ petitioner to submit a copy of the application uploaded by him at the time of online registration during March, 2016 for the post of Technical Assistant/Electrical, within 15 days from the date of such order.

4. The fact remains that notification for selection and appointment to the post of Technical Assistant/Electrical was issued



W.A.(MD) No.559 of 2020

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in Notification No.01/2016, dated 28.02.2016. The procedure for registering application has been categorically stated in the notification. Clause 13 of the notification states about “candidates must upload the relevant scanned copies in PDF format”. Accordingly, candidates applying under the priority quota must enclose the certificates to establish that they are eligible to avail the priority quota. “Print option” has been given in Clause 17 of the notification. After submitting the application, the candidates can print/save their application in PDF format. The instructions issued in the recruitment notification are binding on the candidates.

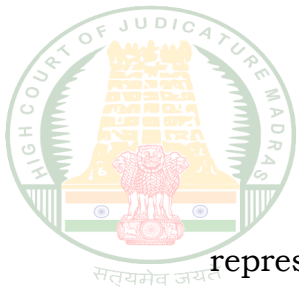
5. In the present case, the first respondent/writ petitioner appeared for the examination and was not selected for participating in the interview. Therefore, he filed a writ petition in W.P.(MD) No.2564 of 2019. This Court passed an interim order in W.P.(MD) No.2564 of 2019 and W.M.P.(MD) No.1965 of 2019 on 08.02.2019 permitting the first respondent/writ petitioner to attend the interview held on 11.02.2019 before the authorities with all original documents. This Court made it clear that the interim permission to attend the interview granted to the first respondent/writ petitioner would not accrue right to the first respondent to claim employment. Pursuant to the order of this Court, the petitioner attended the interview on 11.02.2019.



W.A.(MD) No.559 of 2020

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6. Further, in W.P (MD) No.2564 of 2019, the appellant has taken a stand that the first respondent/writ petitioner has not filled up the column properly in the application as “MBC Ex-servicemen Dependent Quota”. Hence, the first respondent/writ petitioner has filed another writ petition in W.P.(MD) No.4113 of 2019 seeking for a direction to the appellant to furnish a copy of the original application uploaded by the first respondent/writ petitioner. On verification of the records, the first respondent/writ petitioner also came to know that the first respondent/writ petitioner's selection was withheld in view of the pendency of the writ petition in W.P.(MD) No. 2564 of 2019, even though, the first respondent/writ petitioner was selected for the post of Technical Assistant/Electrical. The appointment order was not issued to the first respondent/writ petitioner on the ground that the aforesaid writ petition is pending. Therefore, the first respondent/writ petitioner has made a representation under the Right to Information Act for production of original application uploaded by him. Even after statutory period, the appellant did not furnish a copy of the said application. Hence, the first respondent/writ petitioner has filed yet another writ petition in W.P.(MD) No.10565 of 2019 seeking for a direction to the appellant to pass appropriate orders for the appointment of the first respondent/writ petitioner. This Court, by order dated 27.04.2019, directed the appellant to consider the



W.A.(MD) No.559 of 2020

WEB COPY

representations of the first respondent/writ petitioner. As per the order passed by this Court, the first respondent, by communication dated 20.06.2019, directed the first respondent/writ petitioner to appear for the personal hearing on 29.06.2019 at 03.00 p.m. The first respondent/writ petitioner also appeared for the personal hearing and produced all the relevant documents. The appellant after conducting enquiry, once again directed the first respondent/writ petitioner to produce the original application to show whether he has filled up the column *viz.*, “MBC Ex-Serviceman Dependent Quota”. Therefore, the petitioner filed W.P.(MD) No.18476 of 2019. The writ Court considered that the first respondent/writ petitioner is eligible to avail the priority quota of 'MBC Ex-serviceman Dependent’ and therefore, appointment is to be granted to him. Thus, the present appeal has been preferred by the TANGEDCO.

7. Heard the parties to the *lis* on hand.

8. Admittedly, the first respondent/writ petitioner participated in the process of selection for appointment to the post of Technical Assistant/Electrical in TANGEDCO. Though he has submitted an application through online, he has not established before the Court that the application was submitted to consider him under the priority

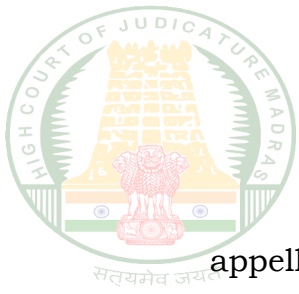


W.A.(MD) No.559 of 2020

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quota. The first respondent/writ petitioner claims that he is eligible to avail the priority quota. But it is mandatory on his part to enclose all necessary certificates while uploading the online application. In the absence of establishing the fact that the first respondent/writ petitioner has applied under the priority quota, he cannot turn around and claim the priority quota by merely stating that he is eligible to avail the priority quota. The instructions issued to the candidates unambiguously state that the application must be filled properly providing all necessary details. Once the application is submitted not enclosing the necessary certificates to avail the priority quota, the authorities are empowered to consider the case under the “General Category”. Thus, the first respondent/writ petitioner was considered as a general candidate and he was unsuccessful under the “General Category”. He was permitted to participate in the process of interview only by virtue of an interim order and therefore, he is not entitled to claim appointment merely based on the interim order or his participation in the interview process.

9. Beyond this, the impugned order passed shows that the authorities have noted that the first respondent/writ petitioner has not submitted his online application under the “MBC Ex-Serviceman Dependent Quota”. In compliance of the orders of this Court, the



W.A.(MD) No.559 of 2020

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appellant issued the order dated 26.08.2019 providing an opportunity to the first respondent/writ petitioner to submit a copy of the application uploaded by him at the time of online registration during March, 2016 for the post of Technical Assistant/Electrical within 15 days.

10. If at all the first respondent/writ petitioner had submitted the application under the priority quota, he could have established the same before the competent authority. Contrarily, by virtue of an interim order, he participated in the interview would not be a ground to grant appointment. The interim order passed by this Court clarifies that mere participation in the interview would not accrue right to the first respondent/writ petitioner. When that being the factum, the first respondent/writ petitioner was rightly considered under the “General Category”, since he has not registered his online application under the priority quota “MBC Ex-Serviceman Dependent Quota”.

11. A Division Bench of this Court in W.A.(MD) Nos.555 and 556 of 2020, to which one of us (SMSJ) was a party, considered similar issued and passed the following judgment:

“Courts have considered the legal issue that condonable mistakes can be condoned and uncondonable



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W.A.(MD) No.559 of 2020

mistakes cannot be condoned. Errors trivial in nature in the application made by the candidate can be rectified and it may not form a ground for rejection of the candidature. But, if the errors are substantial or part of the selection process, such errors cannot be permitted to be rectified and the same are to be construed as uncondonable mistakes. In the event of condoning the uncondonable mistakes, it will result in infringing the rights of several other candidates participated in the selection process. Thus, the Courts, in exercise of the power of judicial review, cannot condone the uncondonable errors made by the candidates in their applications.

2. Let us now consider the rule governing the selection process notified in the recruitment notification. Para 2(10) of the “Instructions to the Applicants” reads as under:

“Please note that all the particulars mentioned in the online application including Name of the applicant, Post applied for, Communal category, Date of Birth, Address, e-mail ID, Centre of Examination etc., will be considered as final”. However, applicants can modify certain fields till the last date specified for applying online. Certain fields are fixed and cannot be edited even before the closing date. Applicants are hence requested to fill in the online application form with utmost care as no correspondence regarding change of details will be entertained after last date for applying.”

3. The candidates have given their declaration in the online application as under:



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W.A.(MD) No.559 of 2020

“I hereby declare that all the particulars furnished in the application are true, correct and complete to the best of my knowledge and belief. In the event of any information being found false or incorrect or ineligibility being detected, before or after the examination or at any stage any action can be taken against me by TNPSC including rejection of my application.”

4. Para 12J and 12L of the recruitment notification read as under:

“12J – Any subsequent claim made thereafter on submission of online application will not be entertained. Evidence for claims made in the online application should be uploaded / submitted in time, when called for. Failure to submit the documents within the stipulated time limit will entail rejection of the Application.

12L – Incomplete applications and application containing wrong claims or incorrect particulars relating to category of reservation / other basic qualification / eligibility wise / age / communal categories / educational qualification / physical qualification and other basic eligibility criteria will be liable for rejection.”

5. The facts reveal that the respondent – candidates participated in the selection process for appointment to the post of Assistant Horticulture Officer. They have submitted their applications and participated in the selection process.



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W.A.(MD) No.559 of 2020

Admittedly, the respondent – candidates have stated their community as “BC (Backward Community)” and “BC Maravars / Karumaravars / Appanadu / Kondayamkottai Mara” instead of “DNC” and “DNC” respectively. However, subsequently, claimed that they belong to DNC (Denotified Community).

6. Learned Standing Counsel appearing for the appellant would rely on the decision of the Honourable Supreme Court in the case of State of Tamil Nadu vs. G.Hemalathaa, reported in (2020) 19 SCC 430, wherein, in Paragraph No.8, the Apex Court has held as follows:

“8...The Instructions issued by the Commission are mandatory, having 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.”

7. The above observations are made by the Apex Court relying on the observations made in the case of Dr.M.Vennila vs. Tamil Nadu Public Service Commission, reported in 2006 (3) CTC 449.

8. In the present case, alteration of the communal status cannot be construed as trivial in nature and therefore, the relief granted by the Writ Court is not inconsonance with the settled legal position. The instructions to the candidates given in the notification unambiguously state that utmost care should be taken by the candidates while filling up the online



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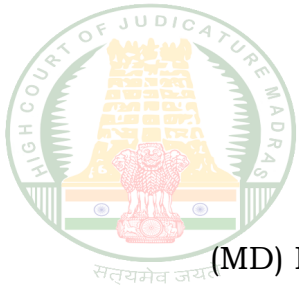
W.A.(MD) No.559 of 2020

application. That being so, the present writ appeals deserve consideration.

9. Accordingly, the writ appeals are allowed and the common writ order dated 27.04.2019, passed in W.P.(MD) Nos.22006 & 22055 of 2018, is set aside.”

12. On account of numerous online applications, they are sorted out through computers and therefore, it may not be practically possible for the Recruiting Agency to furnish copy of the application to the candidates. Such a right has not been contemplated under the terms of the notification. That exactly is the reason why an alternate option has been provided to the candidates to take print out at the time of registering the application online. Thus, the candidates at the time of registering the application, may take print out for establishing the facts stated in the application, if any dispute arises in future. That apart, Courts have time and again reiterated that instructions to the candidates in the recruitment notification are binding on them and after registering the application, they cannot turn around and claim any quota, if at all they are eligible under the said quota.

13. For all the reasons stated above, this Writ Appeal stands allowed and the order impugned dated 12.11.2019 passed in W.P.



W.A.(MD) No.559 of 2020

(MD) No.19487 of 2019 is set aside. No costs.

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J.]

[S.M.S., J.]

[A.D.M.C.,

10.07.2025

Index:Yes
Internet:Yes
NCC:Yes/No

abr

To

The Chief Engineer/Personnel,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.



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W.A.(MD) No.559 of 2020

S.M.SUBRAMANIAM, J.
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W.A.(MD)No.559 of 2020

10.07.2025