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W.A.(MD) Nos.555 & 556 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

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

**W.A.(MD) Nos.555 & 556 of 2020
and
C.M.P.(MD) Nos.3778 & 3782 of 2020**

W.A.(MD) No.555 of 2020:

The Tamil Nadu Public Service Commission
rep.by its Secretary
Park Town, V.O.C.Nagar
Chennai-600 003

... Appellant

-vs-

1.M.Kavin Kumar

2.The Director of Horticulture
and Plantation Crops
Office of the Director of Horticulture
and Plantation Crops
Chepauk, Chennai-5

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.04.2019, passed in W.P.(MD) No.22006 of 2018, on the file of this Court.



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For Appellant : Mr.V.Panneerselvam
Standing Counsel

For Respondents : Mr.G.Karthick
for M/s.T.Lajapathi Roy & Associates for R1
Mr.V.Om Prakash
Government Advocate for R2

W.A.(MD) No.556 of 2020:

The Tamil Nadu Public Service Commission
rep.by its Secretary
Park Town, V.O.C.Nagar
Chennai-600 003

... Appellant

-vs-

R.Uma Maheswari

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.04.2019, passed in W.P.(MD) No.22055 of 2018, on the file of this Court.

For Appellant : Mr.V.Panneerselvam
Standing Counsel

For Respondent : Mr.G.Karthick
for M/s.T.Lajapathi Roy & Associates



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COMMON JUDGMENT

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

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



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“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:

“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



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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. 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).



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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



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the candidates given in the notification unambiguously state that utmost care should be taken by the candidates while filling up the online 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. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]

25.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Director of Horticulture
and Plantation Crops,
Office of the Director of Horticulture
and Plantation Crops,
Chepauk, Chennai-5.



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