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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

<i>Order Reserved On</i>	<i>Order Pronounced On</i>
<i>28.02.2025</i>	<i>25.03.2025</i>

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

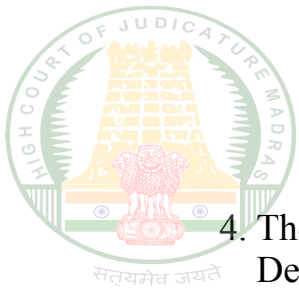
W.A(MD)No. 2524 of 2024
and
C.M.P.(MD)No. 17702 of 2024

Agni Pandian

... Appellant

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, Park Town,
Chennai - 600 003.
2. The Controller of Examination,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, Park Town,
Chennai - 600 003.
3. The President,
Technical Testing Board,
Madras Engineering Group and Centre,
Bangalore.



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4. The Officer-In-Charge,
Demob Batter, Artillery Centre,
Nasik Road Camp,
Maharashtra.

5. The Chairman / Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort Saint George,
Chennai 600 009.

... Respondents

[R3 to R5 are Suo Motu Impleaded Vide Order of this Court, dated 30.06.2023]

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the Order, dated 27.09.2024 passed by the Learned Single Judge of this Court in W.P(MD)No.5375 of 2023.

For Appellant :Mr.H.Mohammed Imran, for
M/s.Ajmal Associates

For Respondents :Mr.V.Panneer Selvam,
Standing Counsel, for R-1 & R-2

Mr.J.Ashok,
Additional Government Pleader, for R-5

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present Writ appeal is filed by the writ petitioner against the order, dated 27.09.2024 passed by the Learned Single Judge of this Court in W.P(MD)No.5375 of 2023.

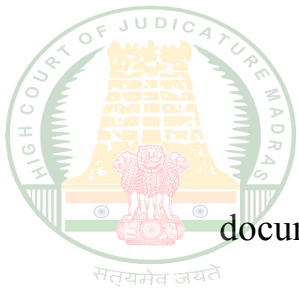


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2. The Writ petition was filed for *Writ of Certiorarified Mandamus* to quash the provisional list, dated 27.02.2023 issued by the TNPSC and also seeking consequential direction to the respondents to include the petitioner's name in the ongoing physical certificate verification process for the post of 'Field Surveyor' as per the Notification No.18 of 2022, dated 29.07.2022, based on the petitioner's representation through E-mail on 28.02.2023 and registered post, dated 28.02.2023.

3. The writ petitioner has participated in the selection process under Ex-service Man/MBC/DC category. The petitioner has passed Regimental Surveyor Technical Examination and he had uploaded all the documents for claiming under Ex-service Man category. The respondents have rejected the petitioner's candidature for the reason that the petitioner has failed to upload either Pension Payment Order or Bonafide Certificate issued by the Ex-service Man Welfare Board along with the application form.

4. The writ Court has held that several applications have been rejected on the ground of incomplete/defective or proper



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documents have not been uploaded. Any opportunity granted to the writ petitioner to furnish the documents and to rectify the defects, would cause prejudice to the other candidates whose applications were rejected on the similar grounds. Further when the selection process has already been completed in March 2023, by filing the writ petition after selection process was completed, the petitioner cannot contend that they are in possession of those certificates as on today and make a claim to the said post, hence the Writ Court was not inclined to quash the provisional list and dismissed the writ petition. Aggrieved over the same the present Writ Appeal has been filed by the writ petitioner.

5. It is seen under the general instruction in paragraph No. 14(o)(i) it is stated that if any candidate is seeking to consider under Ex-service Man category, then the candidate ought to submit Bonafide Certificate issued by the Ex-service Man Welfare Board in the prescribed format or Pension Payment Order must be uploaded/produced. Failing to upload or produce the certificate/order shall result in rejection of candidature after due process.

6. As per the general instructions, the petitioner ought to have produced either the Bonafide Certificate or the Pension Payment



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Order, failure to upload the said certificate would result in rejection of the candidature. The contention of the writ petitioner is that, while uploading the application, he had mentioned the PPO number as 154201900336. However, he has not enclosed the said PPO order. But the petitioner has stated in the application, his Employment Registration number of the Ex-service Man Welfare Board, which is EMP/TNV/2021/1220 and to prove the same he has enclosed the “X-10 Identity Card”, where the registration number coincides as EMP/TNV/2021/1220.

7. According to the petitioner, he has disclosed the Pension Payment Order number as well as the Ex-service Man registration number. Since the Clause states either the upload or produce and he was thinking to “produce” the same before the authorities on certificate verification. Further he stated that while uploading the online application, the writ petitioner instead of uploading Pension Payment Order has uploaded the Identity Card issued by the Department of Ex-service Man. The petitioner was under the impression that the said Identity card is a proof to claim under the Ex-service Man quota. Therefore, the petitioner claims that he should be considered based on the Identify card issued by the Ex-service Man Welfare Board.



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8. Per Contra, the contention of the respondents are that when the notification specifically states to produce either the Pension Payment Order or the Bonafide Certificate issued by the concerned authority. When both were not produced by the petitioner, the candidature of the petitioner was not considered during the certificate verification.

9. After hearing the rival submissions, this Court has given their anxious consideration. The petitioner is bound to **upload or produce** Bonafide Certificate or Pension Payment Order. When the notification guidelines gives an opportunity **either to upload or to produce**, then the petitioner should be granted an opportunity to produce at the time of certificate verification. Therefore, the petitioner deserves an opportunity.

10. The petitioner is in possession of Identity card, Pension Payment Order and the Bonafide Certificate. Hence, the petitioner had uploaded the Identity card by quoting the correct registration number along with identity card. The petitioner was under the impression that



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the guidelines states to produce and he was waiting for an opportunity to produce at physical certificate verification. Hence the petitioner claims mistakenly has uploaded the Identity Card issued by the Department of Ex-service Man. When the identity card with correct registration number was quoted, when the notification guidelines states that **either to upload or to produce**, then an opportunity ought to be given to the candidates to produce the same at the time Certificate Verification.

11. Further it is not the question of incomplete or defective documents. When an option is granted to the candidate to either upload or to produce, then the candidate ought to be granted an opportunity to produce. Therefore, the order passed the Writ Court is liable to set aside.

12. Accordingly, this Writ Appeal is allowed by setting aside the Order, dated 27.09.2024 passed by the Writ Court in W.P(MD)No.5375 of 2023. The respondents are directed to issue call letter to the petitioner for certificate verification and the petitioner is directed to produce either the Pension Payment Order or the Bonafide Certificate. The petitioner may be accommodated in any of the vacancy



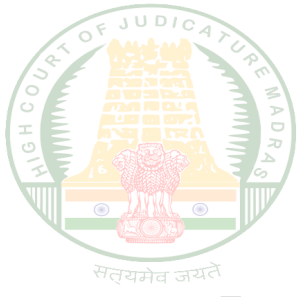
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without disturbing other candidates. However the petitioner is entitled to all the benefits from the date of joining service. No costs. Connected Miscellaneous Petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
25.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To:

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J.NISHA BANU, J.

and

S.SRIMATHY, J.

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Judgment made in
W.A(MD)No. 2524 of 2024

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