



W.A.(MD)Nos.2488 & 2489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 29.04.2025

PRONOUNCED ON : 13.08.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)Nos.2488 & 2489 of 2024

&

C.M.P.(MD)Nos.17407, 17408 of 2024, 4750, 4751 and 5175 of 2025

T.Jaya

... Appellant in W.A.(MD)No.2488 / 2024

M.Sudharsana

... Appellant in W.A.(MD)No.2489 / 2024

-Vs-

The Secretary,

Tamilnadu Public Service Commission,

TNPSC Road, Park Town,

Chennai-600 003.

... Respondent in both W.As.

COMMON PRAYER: Appeals filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 29.11.2024 made in W.P.(MD)Nos.28447 & 28586 of 2024 on the file of this Court.

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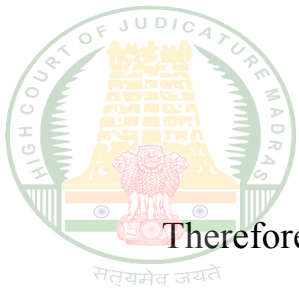
For Appellants : Mr.G.Sakthi Rao
For Respondent : Mr.J.Anandkumar,
Standing Counsel
(in both W.As.)

COMMON JUDGMENT

[Judgment of the Court was delivered by ***J.NISHA BANU, J.***]

These Writ Appeals are directed against the common order dated 29.11.2024 made in W.P.(MD)Nos.28447 & 28586 of 2024.

2.The case of the appellants / writ petitioners is that the respondent issued notification in No.05/2024, dated 23.04.2024, calling for applications for posts of combined Civil Services Examination-Group I-B and I-C Services for the year 2024 (21 vacancies for Assistant Commissioner and 8 vacancies for DEO). Since the writ petitioners are the law degree holders, they applied for Assistant Commissioner in Tamil Nadu Hindu Religious and Charitable Endowments (Administration Service). They successfully cleared preliminary exam, which was conducted on 12.07.2024 and pursuant to the same, they were directed to upload all the educational certificates on 06.09.2024. Thereafter, TNPSC once again issued memorandum to re-upload the certificates on or before 03.10.2024.



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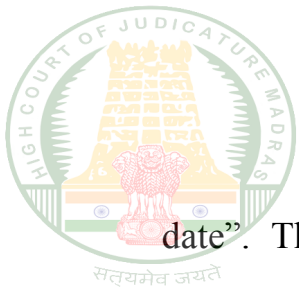
Therefore, the writ petitioners once again uploaded all the certificates including new Experience Certificate. Thereafter, on 22.11.2024, TNPSC published hall tickets for mains examination, which was scheduled to be held from 03.12.2024 to 06.12.2024 FN. When the writ petitioners were trying to download hall tickets on 22.11.2024, an error message was shown, stating that “Does not possess the requisite practical experience”. Therefore, on 23.11.2024, the writ petitioners sent a waiver letter to TNPSC, seeking issuance of hall ticket. However, TNPSC replied that the writ petitioners were not actually practicing Advocate as per the notification. Challenging the online rejection of the applications of the writ petitioners, they have filed the said Writ Petitions.

3.The learned Single Judge, after considering the rival claim, dismissed the said Writ Petitions, holding that this Court cannot interfere with the rejection order passed by TNPSC for uploading the defective certificates.

4.Challenging the same, the writ petitioners filed the present Writ Appeals.

5.The learned counsel appearing for the appellants / writ petitioners would submit that in the notification, TNPSC has not mentioned “till date or upto

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date”. Therefore, the appellants obtained Experience Certificate for the particular period. Further, TNPSC only pointed out the defect with regard to the competent of the persons issuing Experience Certificate and not with regard to the date upto which the experience has to be shown. Therefore, the appellants obtained Experience Certificate from the competent person for the same period and uploaded the same in the Website. Therefore, these Writ Appeals are to be allowed.

6.In support of his contention, he placed reliance on the judgment made in W.A.Nos.682 to 687 of 2023, dated 20.11.2023 (*TNPSC, rep., by its Secretary and another Vs. U.Kaviyarasan*).

7.The learned Standing Counsel appearing for the respondent would submit that admittedly, the appellants cleared preliminary examinations and therefore, they were instructed to upload certificates. During On Screen Certificate Verification Phase – I, the applications of the appellants have been admitted provisionally on condition that the appellant in W.A.(MD)No.2488 of 2024 has to upload Practicing Certificate obtained from the competent authority and to upload evidence for Hindu Religion in the form of Community Certificate and the appellant in W.A.(MD)No.2489 of 2024 has to upload Practicing

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Certificate obtained from the competent authority. Pursuant to the same, they re-uploaded the required documents and after re-verification, the Expert Committee has verified the Practicing Certificates at the time of OCV- Phase – II. During verification, it was found that the appellant in W.A.(MD)No.2488 of 2024 was having 9 years experience from 2014 to 2023 and there is no evidence for practicing Advocate after 2023 and the appellant in W.A.(MD)No.2489 of 2024 was having 12 years experience from 2011 to 2023 and there is no evidence for practicing Advocate after 2023. Therefore, their applications were rightly rejected by TNPSC as per notification. He would further submit that the Writ Court, on perusal of the records, has rightly dismissed the case of the appellants and therefore, there is no need for interference with the same. Therefore, the Writ Appeals have to be dismissed.

8.In support of his contention, he placed reliance on the following judgments:-

(i)***The State of Tamil Nadu and others Vs.G.Hemalathaa and another*** in Civil Appeal No.6669 of 2019, dated 28.08.2019; and

(ii)***Dr.M.Vennila Vs. TNPSC, rep., by its Secretary,*** in W.P.No.32383 of 2005 dated 12.06.2006.



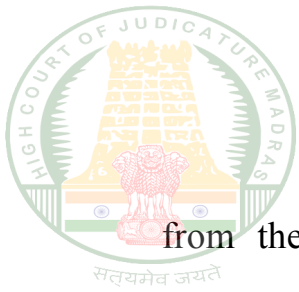
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WEB COPY 9. Heard the learned counsel on either side and perused the materials available on record carefully.

10. Admittedly, the appellants applied for Assistant Commissioner in Tamil Nadu Hindu Religious and Charitable Endowments (Administration Service), successfully cleared preliminary exam and uploaded all the educational certificates as directed by the TNPSC. Further re-uploaded the certificates including new Experience Certificate. Further the appellants found during downloading hall ticket for main examination that it is stated that “does not possess the requisite practical experience”. However, due to intervention of this court orders, the appellants were allowed to participate in the main examination.

11. It is pertinent to note that, as per TNPSC Notification dated 23.03.2024, the relevant disputed portion of Para 4.2.2.7, which prescribes the format for practicing certificate, does not explicitly ask for "up-to-date" experience. Similarly, the educational qualification and experience portion in Para 4.2 only states: ***"(ii) (a) Must be actually practicing as an Advocate or as a pleader in a court of Civil or Criminal Jurisdiction for a period of not less than three years"***. This, too, does not mandate "up-to-date" experience. And as seen

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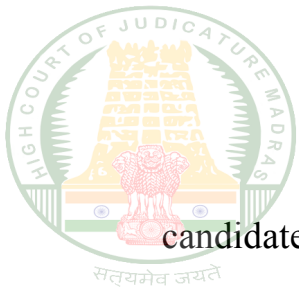


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from the records, the appellants have satisfied the requirement of actually practicing for a period of not less than 3 years (ie. Holding 9 and 12 years of experience respectively).

12.In view of the above, this court is of the view that the Tamil Nadu Public Service Commission (TNPSC) ought to have clarified this aspect and requested the submission of the clarified requisite document prior to outright rejection. This widespread confusion experienced by candidates could have been entirely averted. A timely and clear circular detailing the experience requirements would not only have resolved this ambiguity efficiently but also would have ensured a smoother and more positive experience for all applicants.

13.As relied upon by the learned counsel for the Appellants, the judgment in *TNPSC, rep., by its Secretary and another Vs.U.Kaviyarasan in W.A.Nos. 682 to 687 of 2023 dated 20.11.2023* underscored that Public recruiting agencies, such as the TNPSC, should provide candidates with a fair and reasonable opportunity to rectify minor procedural defects in their applications, rather than summarily rejecting them, especially when such rectification does not prejudice the overall selection process or the rights of other candidates. Based on the essence of the aforesaid judgement, this court believes it is crucial to ensure that eligible



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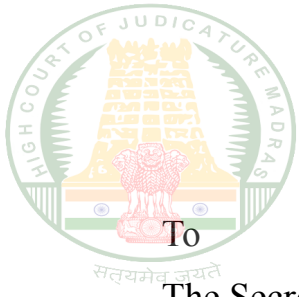
candidates are not unfairly excluded due to rectifiable technical errors, thereby upholding principles of natural justice and fair opportunity in public employment.

14. Therefore, for the aforementioned reasons, the present Writ Appeals are allowed. Consequently, the respondents are directed to take into consideration the experience certificates issued to the appellants by their respective associations and to permit the Appellants to participate in the selection process, subject to the ultimate declaration of their final results. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
13.08.2025

NCC : Yes / No
Index : Yes / No

Yuva/nvsri



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To

The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town, Chennai-600 003.



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