

Case relating to rejection of application:

Parties : B. Meera Versus The Controller of Examinations, Tamil Nadu Public Service Commission

Court : High Court of Judicature at Madras

Case No : Writ Appeal No.688 of 2008 & M.P.No.1 of 2008

Judges: THE HONOURABLE MR. JUSTICE S.J. MUKHOPADHAYA & THE HONOURABLE MR. JUSTICE V. DHANAPALAN

Appearing Advocates : For the Petitioner : K.M. Vijayan, Senior Counsel, K. Premkumar, Advocate. For the Respondent: C.N.G. Ezhilarasi, Advocate.

Date of Judgment :

21-10-2008 **Head**

Note :-

Constitution of India - Article 226 - Candidature rejected by the TNPSC by a letter dated 12.2.2007 on the ground that "the candidate has not signed in the Application/Declaration" -The signature of an applicant shown below Column No.24 in the Declaration (at the rear page), has nothing to do with Column No.24, as it is the only place for putting the signature by the candidate on the application form - The rest of the two places for signatures (one at the front page) and the other on the rear page near the "Declaration", are to be signed by the applicant on both the sides of the Hall Ticket (Admit Card), which are to be taken out of the application form and once they are taken out, in the absence of any signature on the application form (i.e. below Column No.24), it is not possible for the TNPSC to find out as to whether such application form has been filled up by the candidate himself/herself - In the case of "Dr. A. Rajapandian vs. State of Tamil Nadu" reported in 2006 (5) C.T.C. 529, similar matter fell for consideration before a Division Bench of this Court. The candidate having omitted to sign the application form and declaration column, his candidature was rejected. The Division Bench of this Court held that non-signing of the application form rendered the particulars furnished un-authenticated and the application form cannot be considered as a valid one. The present case of the appellant-writ petitioner having been covered by the decision of a Division Bench of this Court reported in 2006 (5) C.T.C. 529 (supra), find no ground to interfere with the impugned order passed by the learned single Judge.

Para 9 to 12

Cases Referred:

Dr. A. Rajapandian vs. State of Tamil Nadu" reported in 2006 (5) C.T.C. 529 (Relied)

Judgment :-

(Prayer: Writ Appeal against the order of the single Judge of this Court, dated 3.10.2007 in Writ Petition No.6299 of 2007.)

S.J. Mukhopadhaya, J.

The appellant (writ petitioner) appeared in the Combined Engineering Services Examination conducted by the respondent-Tamil Nadu Public Service Commission (for short, 'the TNPSC') for appointment to the post of Assistant Engineers. In the said Examination, though she was shown successful, her candidature was rejected by the TNPSC by a letter dated 12.2.2007 on the ground that "the candidate has not signed in the Application/Declaration". The writ petitioner challenged the said letter dated 12.2.2007 unsuccessfully before the Writ Court, giving rise to the present Writ Appeal.

2. According to the learned Senior Counsel appearing for the appellant-writ petitioner, the Application Form No.AC356038, submitted by the writ petitioner was properly filled up. Column No.24 in the said application form, being not applicable to the case of the writ petitioner, she had not filled up nor signed the said Column No.24, as per the instructions of the TNPSC. It was submitted that the writ petitioner having acted as per the instructions of the TNPSC, now the respondent-TNPSC cannot take advantage of their mistake to disqualify her.

3. Learned counsel appearing for the respondent-TNPSC submitted that number of candidates were disqualified on the same ground and the writ petitions preferred by them had been dismissed, which has also been affirmed by the Division Bench of this Court. According to the respondent, as per the instructions/format, it is very clear the candidate must sign in the application form at the three places, viz., (i) at the bottom of the photograph of the first page, (ii) at the end of the application form at the second page (rear side) and (iii) below the declaration. But in the instant case, the appellant/writ petitioner has signed only in two places, viz., one at the bottom of the photograph of the first page and another, below the declaration at the rear page of the application form, but she has not signed the application form below Column No.24. In a case like this, where an application form was not signed by the candidate at the relevant place, no relief could be granted to the appellant-writ petitioner.

4. We have heard the learned counsel appearing for the parties and perused the records.

5. Both the parties produced a photo-stat copy of the original application form, including the copy of the instructions produced by the counsel for the respondent-TNPSC.

6. On a perusal of the photo-stat copy of the original application form and the instructions of the TNPSC, it will be evident that the application form is in two pages printed on both sides. In the bottom portion of both the sides, i.e. near the cut-off line in the front page and near the Declaration at the rear page, the candidates have been informed "Do fold here". The said

bottom portion is the Hall Ticket (Admit Card) to be torn and taken out by the TNPSC for forwarding the same to the candidates. The rest part (upper portion of the form) is the application, which remains with the TNPSC. In the front page of the bottom portion, which is part of the Hall Ticket (Admit Card), the applicant is supposed to sign and the appellant-writ petitioner has signed therein. In the rear page bottom portion (of the Hall Ticket), the applicant is supposed to put his signature, which the appellant-writ petitioner, has signed therein. In the box below Column No.24 at the rear page (relating to the particulars of previous employment, previous appearance of oral test, etc.), there appears to be a place for signature of the applicant. Admittedly, the applicant (appellant-writ petitioner) has not signed therein, which is the ground taken by the TNPSC for rejecting her candidature and the said ground has been accepted by the learned single Judge.

7. In the instructions supplied by the TNPSC to the candidates at paragraph 17, the following stipulation has been made:

"17. Application must reach the Controller of Examinations on or before the prescribed date. Applications received after that date of applications which are not signed or applications which are not in the proper form or which are not correctly and completely filled or in respect of which the prescribed certificates and documents are not received on or before that date and application which do not otherwise fulfil the terms of these instructions and the "Notification/Advertisement" will be considered defective and will be summarily rejected.

The filling in of the application form correctly and completely and sending with it all the documents as required in the Commission's "Notification/Advertisement" and "Instructions, etc., to Candidates" form part of the test for selection. Failure in this regard will entail summary rejection of the application."

From the aforesaid instructions, it will be evident that if the application is not signed or is not in proper form, the candidates were informed that their candidature will be rejected.

8. Learned counsel appearing for the appellant-writ petitioner relied on the instructions supplied by the TNPSC to the candidates, with regard to Column No.24, to suggest that the said Column is required to be filled up only if the candidates were supposed to give particulars of previous/present employment and the previous appearance for Oral Test.

9. We are of the view that the signature of an applicant shown below Column No.24 in the Declaration (at the rear page), has nothing to do with Column No.24, as it is the only place for putting the signature by the candidate on the application form.

10. We have noticed that the rest of the two places for signatures (one at the front page) and the other on the rear page near the "Declaration", are to be signed by the applicant on both the sides of the Hall Ticket (Admit Card), which are to be taken out of the application form and

once they are taken out, in the absence of any signature on the application form (i.e. below Column No.24), it is not possible for the TNPSC to find out as to whether such application form has been filled up by the candidate himself/herself.

11. Learned counsel appearing for the respondent-TNPSC has brought to the notice of the Court an example of one R.Anjana Rekha, who applied for the Tamil Nadu Medical Services Examination. In her application form, she has put two signatures, one at the bottom of the front page, i.e. below the Hall Ticket (Admit Card) and the other in the rear page at the bottom, i.e. rear portion of the Hall Ticket (Admit Card). Like the present appellant-writ petitioner, she has also not put the signature on the application form below Column No.24. Her case was also rejected, but she was not granted relief by the Court.

12. In the case of "Dr. A. Rajapandian vs. State of Tamil Nadu" reported in 2006 (5) C.T.C. 529, similar matter fell for consideration before a Division Bench of this Court. The candidate having omitted to sign the application form and declaration column, his candidature was rejected. The Division Bench of this Court held that non-signing of the application form rendered the particulars furnished un-authenticated and the application form cannot be considered as a valid one. The present case of the appellant-writ petitioner having been covered by the decision of a Division Bench of this Court reported in 2006 (5) C.T.C. 529 (supra), we find no ground to interfere with the impugned order passed by the learned single Judge.

13. There being no merits, the Writ Appeal is dismissed. But in the facts and circumstances of the case, there shall be no order as to costs. The Miscellaneous Petition is closed.