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WA(MD) No. 1957 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24-04-2026

Pronounced on : 10.07.2026

CORAM

THE HON'BLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

WA(MD) No. 1957 of 2024

and

CMP(MD)No.14455 of 2024

1.The Secretary
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway, Chennai 600 003.

2.The Deputy Secretary
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway, Chennai 600 003.

..Petitioner(s)

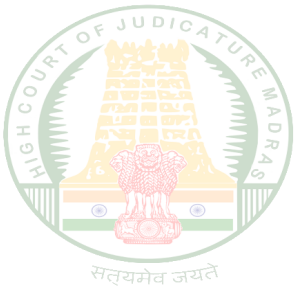
Vs.

1.M.Senthilkumar
S/o. P.Muthukalai,
2nd Street, Nehru Nagar,
Sedapatti Village and Post,
Peraiyur Taluk, Madurai District.

2.The State of Tamil Nadu
Represented by its Deputy Secretary to the
Government, Human Resource and Management
Department,
Secretariat, Chennai 600 003.

..Respondent(s)

Prayer : Writ Appeal filed Under Patent Clause 15 of Letters, to prefer this Memorandum of Grounds of writ appeal against the order in W.P. (MD).No.14850 of 2024 dated 08-07-2024 for the following among other.



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For Petitioner(s):

M/s.V.Panneer Selvam
Standing Counsel

For Respondent(s):

Mr.Mohamed Zamil for M/s.Ajmal Associates
for R1

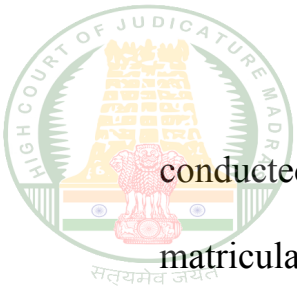
Mr.G.V.Vairam Santhosh, Addl.Govt. Pleader
for R2

JUDGMENT

(By G.R.Swaminathan J.)

The writ petitioner is an ex-serviceman. TNPSC vide notification dated 23.02.2022 invited applications from eligible candidates for Group IIA posts. The petitioner herein applied in response thereto under ex-servicemen category. The qualification prescribed for the post was possession of +2 and U.G. degree or equivalent. The petitioner's application was accepted and he also cleared the preliminary and main examinations. Vide notification dated 07.05.2024, he was called for certificate verification. He was informed that since he did not have +2 qualification, his candidature could not be considered. Seeking a direction for allowing him to participate in the further selection process, he filed W.P. (MD)No.14850 of 2024. The learned single Judge vide order dated 08.07.2024 allowed the writ petition. Questioning the same, the recruiting agency, the TNPSC has filed this writ appeal.

2.The petitioner's educational qualifications are: a) Pass in 10th standard
b) I.T.I. qualification; c) B.A (Political Science) and d) Foundation Course



conducted by the Madurai Kamaraj University. Since the petitioner was a matriculate and he had put in 17 years of service in the Army, he was issued with what is known as “graduation certificate” on 31.12.2021.

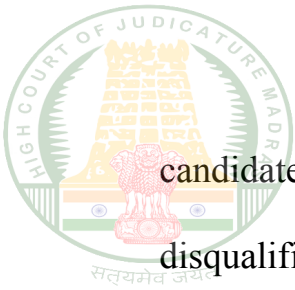
3. G.O (Ms) No.242, High Education (P1) Department, dated 18.12.2012 provided that those who have acquired ITI after completing their 10th Std and then acquired U.G degree will be treated on par with those who have gone through 10+2+3 stream and that their qualifications would be recognised for public employment. G.O.(Ms)No.77 Public (Ex-servicemen) Department dated 23.01.2018 provided that a matriculate ex-serviceman who has put in not less than 15 years of service in the Armed Forces of the Union shall be considered eligible for appointment to the posts for which the essential qualification prescribed is graduation. Thus, the writ petitioner was eligible to participate in the selection process in terms of the TNPSC notification in view of the aforesaid two GOs.

4. As already mentioned, the notification required that the candidate must have passed HSC or equivalent and also possess U.G. degree. The writ petitioner is a degree holder (B.A. (Political Science)). He did not, however, pass +2 (HSC). Instead, he had passed ITI which is considered as equivalent to +2. In fact, on account of possessing graduation certificate issued by the Army Authority, he was straight-away eligible. Unfortunately, the writ petitioner did



not mention that he has cleared ITI and has been issued with “Graduation Certificate”. He did not upload those two certificates. Instead, he had relied on the Foundation Course Completion Certificate issued by Madurai Kamaraj University on 14.12.2015. The said Foundation Course was originally considered as equivalent to 12th Std vide G.O.(Ms)No.528 P & AR Department dated 08.05.1985. But vide G.O.(Ms)No.144, P & AR Department 20.11.2017, the Government of Tamil Nadu clarified that the Pre-Foundation Course and Foundation Course offered by various universities in the State of Tamil Nadu are not equivalent to SSLC and Higher Secondary Course (+2). This clarification was issued vide G.O.(Ms)No.107 dated 18.08.2009 in view of the judgment of the Hon’ble Supreme Court in *Annamalai University vs. Secretary to Government (2009) 4 SCC 590*. The writ petitioner underwent the Foundation Course only in the year 2013-2014, that is after the cut-off date of 18.08.2009.

5.The question that calls for consideration is whether at the certificate verification stage, when the writ petitioner produced his credentials, he ought to have been considered for selection. In other words, whether the material documents namely, ITI certificate and the graduation certificate issued in favour of the writ petitioner should have been taken into account even though he did not fill the application correctly or upload them along with his application. A related question is whether having processed the application and allowed the



candidate to participate in the examinations, could the candidate have been disqualified at the certificate verification stage. Can a principle akin to estoppel operate against the recruiting agency?

6.This issue has been settled in *T. Jayakumar v.Gopu, (2008) 9 SCC 403*. It was held therein as follows :

“12.We are not aware of any principle of law under which once a candidate is allowed participation in the selection process, the selection authority is precluded from examining whether his application was complete, in order, within time or otherwise acceptable. A defect in the application form that renders the candidate ineligible might be overlooked in the initial screening and as a result he may be called for interview and may get a chance to take part in the selection process but that alone does not mean that the candidate cannot be held ineligible for selection at a later stage once the defect in the application comes to light.”

7.The learned Single Judge had taken an indulgent view and directed that the writ petitioner should be considered for selection because he was admittedly an eligible candidate. We beg to differ, but with a heavy heart. The issue of eligibility is irrelevant in this case. The question is whether the required credentials were uploaded along with the application. When the answer is in the negative, the unfortunate consequences will have to follow.



8. The recruitment notification contained a note that the educational qualification prescribed for the posts should have been obtained by passing them in the following order of studies ie, 10th + HSC/Diploma or its equivalent + U.G Degree...”. Clause 15 (9) of the Notification No.03/2022 dated 23.02.2022 issued by TNPSC contains a caveat that all the particulars mentioned in the online application will be considered as final and no modifications will be allowed after the submission of the application. The applicants were instructed to fill the online application with utmost care and caution as no correspondence regarding change of details will be entertained. In the declaration column appended to the application, the candidate was asked to declare that he was aware of the fact that the information furnished in the application could not be edited after submission of the application, and that he would not make any request to the TNPSC to change any details in the application on later dates.

9. When the notification made it clear that the candidate must stand or fall by what was projected while uploading the application. The Hon'ble Supreme Court in the decision reported in **(2024) 1 SCC 448 (Divya vs Union of India)** held, though in a different context, that if rules contain a prescription, any relaxation would prejudice non-applicants and that relaxation would then be selective, leading to discrimination. In **UPSC v. Govt. of NCT of Delhi (2010 SCC OnLine Del 293)**, the Hon'ble Delhi High Court held that no deviation



from the terms and conditions of an advertisement and rules for the recruitment for a public office shall be permitted, as such deviation would result in gross injustice to the other candidates.

10. The Hon'ble Division Bench of the Delhi High Court in the decision reported in **2022 SCC OnLine Del 239** (vide **Pradeep Kumar v. Union of India**) was dealing with a similar set of facts. The petitioner therein uploaded his photograph in place of his aadhaar card in the recruitment application. He had cleared 2 stages of the recruitment process and was called for certificate verification. At this stage, the defect was noticed and the petitioner's e-admit card was cancelled on the ground that his action in uploading his photograph instead of his aadhaar card violated the conditions in the criteria mentioned in the advertisement. It was contended by the petitioner that it was a bonafide mistake. Negating the said contention, the Hon'ble Division Bench held as follows:

“12. In spite of such clear warning, the petitioner was clearly negligent in uploading his self-photograph instead of his photo identity proof with the application. The petitioner cannot claim any special equity only because such mistake went unnoticed at the earlier stage of the recruitment process and was noticed only at document verification stage (Refer [T. Jayakumar v. Gopu, (2008) 9 SCC 403]

*13.... We have been informed that candidature of 382 candidates was cancelled by the respondents at the stage of document verification. No exception can therefore, be made only for the petitioner. **Granting***



relief to the petitioner may put the entire selection process in jeopardy and will make it an unending process.

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11. In **UPSC v. Tarun Arora, 2017 SCC OnLine Del 12884**, it was held as follows:

14. We appreciate and can understand the frustration of the respondent as he has the requisite qualifications, yet would suffer for the lapse and error on his part in filling the online application form. At the same time, to accept the plea of the respondent in the present case would lay down the wrong precedent, which would lay the foundation for administrative confusion and chaos. The selection process would halt, get stalled, and would possibly collapse.

15. The courts, while examining such issues have to maintain a right balance between the mistake and chance to rectify the lapse, and the administrative difficulties and consequences. Administrative difficulties, thus, should be balanced with the adverse impact befalling the candidate....”

12. The Hon’ble Division Bench of the Bombay High Court in **Sharad Devidas Shelke v. State of Maharashtra, 2024 SCC OnLine Bom 1005** also dealt with a similar situation. The candidate therein had the requisite qualification but uploaded a wrong qualification in the recruitment application. The Hon’ble Division Bench held as follows: -

“22. The issue in the present petition is not whether the petitioner has gained any advantage by not giving information with respect to Economics degree with Mathematics/Statistics as its main subject but



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the issue is whether respondent Nos. 1 and 2 can be said to have acted arbitrarily or unreasonably if they have taken a decision of disqualifying the petitioner on the basis of the information uploaded online and which on verification of the document would not fulfill the required educational qualification. In our view, the petitioner ought to have been careful moreso, when he is applying for post of a job of a Junior Auditor and for which the educational qualification required is vital and material information. The petitioner ought not to have taken the process of uploading relevant information in such an inattentive manner when the vacancy under the OBC Category was only for one post and there would be many candidates applying for the same. The acceptance of the petitioner's prayer would amount to giving an opportunity to the candidates who are negligent in uploading the information which is material information for the post for which the application is made and such cannot be permitted by this Court...

23. In matters of public affairs, like the process of recruitment to posts under the State, there has to be an element of certainty. The process of recruitment must proceed on the foundation of firm and reliable data. A public recruitment cannot be permitted to be a shaky affair with shifting positions of aspirants about their candidature. If this were to be permitted, it would introduce uncertainties in the recruitment process leading to its embarrassment. It has also to be borne in mind that where a number of posts have to be filled up, expeditious conclusion of the recruitment process requires an unhassled and unhindered course to be run. It is bearing, thus, objectives all legitimate, in mind that the candidates have been held bound down by the entries they make in the application forms. This



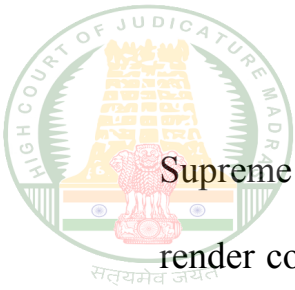
cannot be permitted to be set at naught by falling back upon the rather out of place consideration for 'human error'.

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35. Before parting, we may sound a word of caution as in today's world when everything is online, a candidate must be cautious in uploading the information. The authorities ought to consider making a provision in the system permitting rectification of mistakes prior to the last date of uploading the information. This would go a long way in reducing such situations."

13.The Hon'ble Jharkhand High Court in ***Kiran Kachhap v. Union of India (2024 SCC OnLine Jhar 766)*** took a similar view. It noted that if an error is a fundamental mistake which is subsequently noticed by the authorities during the document verification, then no infirmity can be attributed on the part of the authorities in rejecting the candidature.

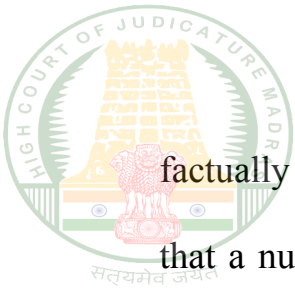
14.It is true that the Hon'ble Supreme Court in ***Vashist Narayan Kumar v. State of Bihar, (2024) 11 SCC 785*** took a more indulgent view in view of the socio-economic background of the candidate therein who had taken the assistance of a cyber cafe for filling the application form. It was a case of entering incorrect date of birth details in the recruitment application. The Hon'ble Supreme Court considered the decision of the Delhi High Court in ***Pradeep Kumar*** but did not overrule the same. It was made clear that the relief was being granted in the peculiar circumstances of the case. The Hon'ble



Supreme Court under Article 142 of the Constitution can issue any direction to render complete justice. Though some authors have taken the view that under Article 226 also such a power is available, we are not that sanguine.

15.All that the writ petitioner needed to do was to upload his graduation certificate alone. Or else, he should have uploaded his ITI certificate along with the UG degree certificate. The writ petitioner had uploaded his 10th Std mark sheet, foundation course certificate and UG degree certificate. Since the foundation course certificate possessed by the writ petitioner was not equivalent to HSC, it could not be taken into account at the verification stage. Thus, in the eyes of the selecting authority, the writ petitioner was not eligible. In view of the precedents mentioned above and the stipulation in the notification itself, the omission to upload the credentials of eligibility at the application could not be set right later. The recruiting agency could not have permitted the writ petitioner to fill up the lacuna and cover the lapse.

16.The writ petitioner had claimed that he uploaded his foundation course certificate only under a bona-fide belief that it was equivalent to higher secondary. Even though he possessed another equivalent certificate (ITI), he did not upload the same. He claimed that he was unable to upload the I.T.I certificate. He would also contend that there was no separate column for uploading the army graduation certificate. But this contention appears to be



factually incorrect. The learned Standing Counsel for TNPSC would point out that a number of applications had been received from ex-servicemen and they have uploaded their army graduation certificates as well as the I.T.I certificates. Copy of one such application received from an ex-serviceman was also made available to us. If other candidates could do so, we fail to understand as to why the writ petitioner could not do so. No doubt, the facts of the case make a sad reading. But then, relaxation or leniency cannot be shown.

17.The learned Single Judge failed to take note of two aspects, namely, **a) Failure to upload the I.T.I certificate or army graduation certificate is fatal** and b) relaxation in such matters would open flood gates and cause prejudice to the other similarly placed individuals.

18.A machine will not distinguish between matter and man. It is bereft of emotion. The digital world is no different. There is efficiency and transparency. But compassion is wholly absent. One cannot find one's space unless one fits into the prescribed pattern. There is no scope for accommodation or catching up. Concessional treatment to deserving and special cases which were not originally envisaged stands ruled out. The system is unforgiving. It simply edges one out. No amount of pleading will be of any avail. Because it cannot hear. Let alone understand. May be it is time to evolve an appropriate jurisprudential response to deal with such outcomes.

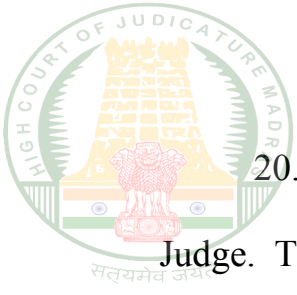
19.The purpose of digitization is to facilitate and expedite. It cannot turn out to



be a trap. Not all are smart. The society has to carry everyone along.

Marginalisation will lead to alienation. We are therefore of the view that

TNPSC must undertake an audit and make the system user-friendly. It should be an enabler. It is not enough to merely call upon the candidate to fill in the details regarding equivalency. What is equivalent must also be indicated in a note appended to the application itself. The recruiting agency must anticipate the common mistakes that could be committed by the candidates. Hence, an application correction window has to necessarily form part of the notification providing for a short window period during which any correction/modification could be carried out by the applicant in a hassle free manner. We direct the TNPSC to provide such a window in all its recruitment notifications henceforth. It is seen that in the Notification No.11 of 2025 dated 15.07.2025, such a provision was given. The same facility shall be continued. The system must not mechanically process all applications and issue hall tickets. If a candidate is not eligible, he must be informed at the very earliest. However, we refrain from issuing any direction in this regard. But we call upon the appellant agency to bestow its attention in this regard.



20. In this view of the matter, we set aside the order of the learned Single

Judge. This writ appeal is allowed. No costs.

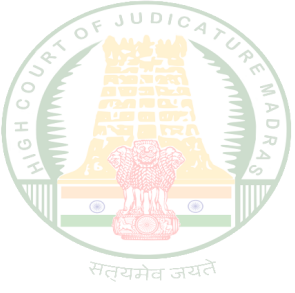
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(G.R.S.,J.) (S.S.Y.,J.)
10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The State of Tamil Nadu
Represented by its Deputy Secretary to the
Government,
Human Resource and Management Department,
Secretariat,
Chennai 600 003.



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**G.R.SWAMINATHAN, J.
AND
S.SRIMATHY, J.**

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