
(2007) 07 MAD CK 0202

In the Madras High Court

Case No : Writ Petition (MD) No. 1476 of 2007 and M.P. (MD) No. 1 of 2007

R. Sulekha Priyadarsiny

APPELLANT

Vs

The Tamil Nadu Public Service Commission

RESPONDENT

Date of Decision : 11-07-2007

Acts Referred:

Citation : (2007) 07 MAD CK 0202

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : V. Sitharanjandas, for the Appellant; V. Chellammal, Special Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—The petitioner is an applicant for the post in the Combined Engineering Service Examination-2006. Her application was

rejected by the Tamil Nadu Public Service Commission the respondent herein on the ground that the application dated 25.12.2006 was

incomplete. The candidate had not signed in the Application/Declaration form. The order of rejection containing the memo of the Tamil Nadu

Public Service Commission, dated 12.02.2007 is under challenge in the writ petition.

2. The learned Counsel for the petitioner states that his client was confused as to how the said application form to be filled. Therefore, she did not

put her signature in the declaration which is the last requirement in any application. It is a very significant column that has to be filled up by all

candidates. The non filling of that column cannot make the application complete. The Tamil Nadu Public Service Commission cannot be found fault

with, if it rejects at the threshold a defective application submitted by a candidate. The explanation is given that the column given as a box item adjacent to the declaration states that it is for office use only and therefore, there was a confusion. The averment is only stated to be rejected. Even a bare look at the application form will show that the words found as ""office use only"" are given in a separate box and the declaration is given in another box. The contents of the declaration is given both in Tamil and English will show that any person who is familiar with either of the language will understand that he or she had to sign that declaration mandatorily. Further at the bottom of the declaration, the candidate's signature is required. Therefore, the petitioner cannot feign any ignorance about non filling of the said column. Infact that is a crucial part in any application form.

3. An identical question came up for consideration before a Division Bench of this Court in Dr. M. Vennila v. Tamil Nadu Public Service

Commission reported in 2006 (3) CTC 449. The said judgment also came to be followed by a subsequent Division Bench (to which I am a party)

in Dr. A. Rajapandian Vs. State of Tamil Nadu and The Deputy Secretary, Tamilnadu Public Service Commission, . In Paragraphs 11 and 12 of

the second judgment, the Division Bench had observed as follows:

11. In Dr. M. Vennila's case, the Division Bench has held as follows:

In addition to the same, all the candidates were supplied specimen application form duly filled up. A perusal of the filled in specimen form makes it

clear that where and in how many places the applicant has to sign. Apart from this, we also verified all the columns in the application form. We are

satisfied that the language used and the columns given in the application form are very clear and there is no ambiguity in the columns of application

regarding the places where the applicant has to subscribe his/her signature.

As rightly pointed out by the learned Advocate General, the insistence upon signature under each and every page has its own significance.

Signature connotes the authenticity of the person who certifies as well as the accuracy and correctness of the particulars provided and furnished by

him. In such circumstances, we are of the view that non-signing by the applicants at page 2 of the application form has rendered the particulars

furnished by them unauthenticated and the application could not be considered

as a valid application. The respondent is fully justified in arriving at a conclusion that the particulars furnished by the petitioners without signature are construed as being not authenticated.

As rightly pointed out, the filled in application must be in order and intact in all aspects and before filling up the application form, the applicants are

supposed to go through the notification, instructions, etc., to candidates, information brochure and OMR application form properly in order to

ensure that the particulars and information which are required to be furnished are duly furnished and to see that the documents are enclosed along

with the application form as per requirements.

12. We have gone through the said judgment and we think there is no scope for the petitioners in this batch to convince us to take a different view.

4. In the light of the binding precedents of the two Division Bench judgments, the writ petition is misconceived. Hence, the same is dismissed. No

costs. Consequently, M.P. (MD) No. 1 of 2007 is also dismissed.