

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.38761 of 2015

K.Amutha

.. Petitioner

-vs-

The Secretary,
Tamil Nadu Uniformed Services
Recruitment Board, Madras.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to include the name of the petitioner in the Sports Quota Provisional list for the post of Sub Inspector and permit the petitioner to undergo the Medical Test respecting the order in W.P.No.32390 of 2015 dated 15.10.2015.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.P.H.Aravind Pandian,
Addl. Adv. General,
assisted by Mr.S.T.S.Murthi,
Govt. Pleader.

सत्यमेव जयते

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner applied for being recruited as a Sub-Inspector in pursuance to the notification issued on 08.02.2015 under the Sports category. In terms of the requirement of the notification, the petitioner filed Form-III showing participation in the Hockey event. However, undisputedly the event in question related to a period prior to five years from the date of issuance of the notification and were not eligible to be considered as per the norms.

2.It is at the aforesaid stage that the petitioner approached this Court by filing W.P.No.32390 of 2015, which was disposed of on 15.10.2015. In those proceedings, the petitioner filed an additional affidavit along with the certificate issued by the State Affiliated Board dated 14.10.2015 certifying that the participation certificate in Form-II related to the participation of the petitioner in the 4th Senior National Hockey Championship, 2014 (Women) (B Division) held at Bhopal, Madhya Pradesh, from 13.03.2014 to 20.03.2014 and such certificate had been issued only on 05.08.2015 as per the record. This Court, thus, observed, assuming the certificate to be correct, that the petitioner was entitled to the benefit of State level participation and would be eligible to go to the stage of Viva Voce. It was, however, made clear that the respondent authorities were entitled to re-verify the certificate and in case any infirmity is found qua 'when the certificate has been issued', the respondents would be entitled to cancel the candidature of the petitioner.

3.The petitioner, thus, went to the next stage of Viva Voce and the original certificates were handed over to the learned Additional Advocate General for verification.

4.It transpires that the respondents thereafter sought to verify the factum of the certificate, the date being issued and why it was issued late. The documents thereafter showed that the certificate was undisputedly taken by the petitioner on 05.08.2015. However, the extracts of the register show that all other candidates coming from Puducherry took their certificates on 21st March, 2014, except the petitioner whose name is in serial No.13 and the register goes upto serial No.20. Thus, it is abundantly clear that while other candidates collected their certificates, the petitioner did not collect the certificate.

5.We may notice that despite the requirement being of filing the relevant Forms as per notification dated 08.02.2015 and there being a delay on the part of the petitioner in procuring the certificate, we were persuaded by the fact that if the certificate for the relevant event had been issued belatedly, the candidate ought not to suffer on that account. It now transpires that it is the petitioner who failed to collect the certificate till much after the cut-off date as per the notification and collected the certificate only after 1 ½ years.

6.As to why that has happened, it is quite apparent from the own letter of the petitioner dated 13.10.2015 where she has stated that the certificate could not be obtained by her on

21.03.2014 because of ''having some health problem'' and that she got the certificate after some months and that she was needing a certificate issuing date for the purposes of appointment.

7.Learned counsel for the petitioner, despite the aforesaid position, sought to contend that it was the concerned authorities who ought to have despatched the certificate to her or at least intimated her about the certificate being ready. That may have an element of truth, but then it was equally the responsibility of the petitioner to have addressed the issue much earlier, in case the certificate had not been obtained by her. She should at least have taken care to ensure that the certificate was available before the cut-off date.

8.Learned counsel also seeks to contend that the date as recorded in the register cannot be correct because the petitioner and other participants left Bhopal in the evening of 20th March, 2014 and thus, how could the certificates be handed over to the other candidates on 21st March, 2014. As to when the people left Bhopal and whether the date is one day here or there is not the question before us. The question is that while the other candidates collected their certificates, the petitioner did not collect the certificate nor addressed that issue for a year and half. The petitioner was quite aware of the requirement of submission of certificates once the notification was issued, but thereafter also no steps appear to have been taken.

9.We may note that the exam process is over, list of successful candidates has been drawn and now the successful candidates are going through medical test, prior to be sent for training.

10.In view of the aforesaid facts and circumstances, unfortunately the petitioner has to share the blame and the consequences of the certificate not having been obtained by her in time with the result that her application cannot be treated as complete. We may notice that there are numerous cases which were even before us where the full documentation was not filed and it would not be appropriate to indulge only the petitioner, as that would amount to an element of unequitability qua other candidates, who on such pleas have been denied the benefit of participation or non-suited. Needless to say that when the exams are held at such a large scale, where there are more than 1,85,000 candidates participated for 1078 posts, an element of strictness has to be maintained by how the application is to be complete before the cut-off date.

11.We have, thus, no option but to dismiss this petition and accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

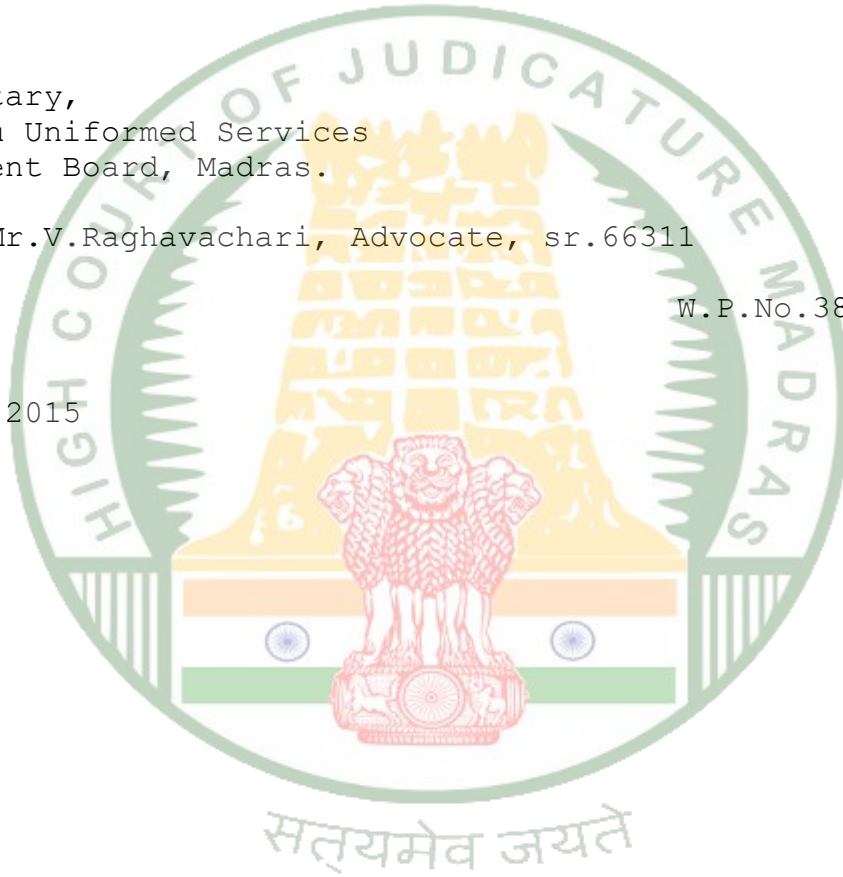
To

The Secretary,
Tamil Nadu Uniformed Services
Recruitment Board, Madras.

+1 cc to Mr.V.Raghavachari, Advocate, sr.66311

W.P.No.38761 of 2015

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