



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.4882 of 2016

and

W.M.P (MD) No.4374 of 2016

R.Balamurugan

... Petitioner

Vs.

1.The Joint Secretary,
Tamil Nadu Public Service Commission,
No.1, Greams Road, Chennai 6.

2.The Revenue Divisional Officer,
Dindigul District, Dindigul.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus calling for records relating to the impugned communication of the 1st respondent passed in his proceedings in Memorandum No.2963/PSD-E/VAO-2010 dated 19.02.2016 and quash the same and consequently direct the 1st respondent to extend the time for production of the community certificate by permitting the petitioner to join duty in the post of Village Administrative Officer based on the recruitment conducted in the year 2009-2010.

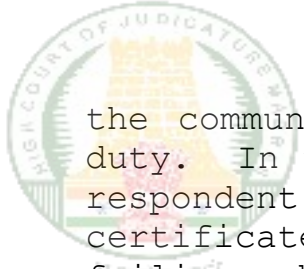
For Petitioner :Mr.B.Prahalad Ravi

For 1st Respondent :Mr.K.K.Senthil

For 2nd Respondent :Mr.M.Murugan,
Government Advocate.

ORDER

The petitioner claims that he belongs to Hindu Malaivedan community. He appeared for the examination conducted by the TNPSC for the post of Village Administrative Officer on 20.02.2011. Since he was successful, he was called for certificate verification on 30.05.2012. The plea of the petitioner is that he had applied for community certificate to the second respondent and the same is pending before him. Therefore, he could not produce



the community certificate immediately and requested time to join duty. In the meanwhile, the impugned order is passed by the first respondent calling upon the petitioner to produce the community certificate to the commissioner's office on or before 11.03.2016 failing which his application would be rejected without any further notice, for the post of Village Administrative Officer, 2009-2011. The petitioner was also called upon to send a not willing format. The said order is now being challenged.

2. Admittedly, the petitioner has applied for the said post only under the Scheduled Tribe quota for which he ought to submit his community certificate. The procedure is known that the issuance of community certificate for Scheduled Tribes, the State Level Scrutiny committee has to verify and thereafter, the second respondent would issue the said certificate. Though it is long drawn process from 2011, the petitioner is aware that without the said certificate he cannot be permitted to join duty as his very appointment is based on the community. The petitioner has not even filed the copy of the application and no document filed to show his follow up in getting the community certificate from the second respondent. The slackness on the part of the petitioner cannot stop the proceedings of the first respondent. The petitioner cannot be allowed to take advantage of his own mistake. The ultimatum given by the impugned order dated 11.03.2016 which means one month time was granted for the petitioner to produce the community certificate.

3. At this juncture, it is not possible to stay the order of the first respondent. But considering the fact that the petitioner may lose his job opportunity, the period granted till 11.03.2016 in the impugned order is extended by a month i.e., till 11.04.2016 to enable the petitioner to obtain and produce the community certificate before the authorities.

4. The writ petition is accordingly disposed of. No costs. Consequently, W.M.P(MD)No.4374 of 2016 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



sms
To

1.The Joint Secretary, Tamil Nadu Public Service Commission,
No.1, Greaves Road, Chennai 6.

2.The Revenue Divisional Officer, Dindigul District,
Dindigul.

+1CC to Mr.B.Prahalad Ravi Advocate Sr.No.14171

+1CC to Mr.K.K.Senthil Advocate Sr.No.13921

+1CC to Spl.Government Pleader Sr.No.13783

GJM/NGM/SS/29.3.16-3p-6C

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