

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.4422 to 4426 of 2018

Ramesh
S/o Govindharaj .. Petitioner in W.P.No.4422 of 2018

Elumalai
S/o Ponnusamy .. Petitioner in W.P.No.4423 of 2018

Arivazhagan
S/o Azhagamuthu .. Petitioner in W.P.No.4424 of 2018

Bhuvaneswaran
S/o Murugesan .. Petitioner in W.P.No.4425 of 2018

Rajesh
S/o Rajaram .. Petitioner in W.P.No.4426 of 2018

-vs-

The Tamil Nadu Uniformed Service Commission
rep by its Chairman
Old Commissioner Building
Pantheon Road
Egmore
Chennai 600 008 .. Respondent in all the writ petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to consider the petitioners' representation dated 02.02.2018 permitting them to participate in the written examination to be conducted on 11.03.2018.

For Petitioners :: Ms.S.Deepika
For Respondent :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

These writ petitions have been filed seeking a mandamus directing the respondent to consider the petitioners' representation dated 02.02.2018 for permitting them to participate in the written examination to be conducted on 11.03.2018.

2. Learned counsel for the petitioners submitted that the Tamil Nadu Uniformed Services Recruitment Board has published a notification dated 28.12.2017 calling for applications from the eligible candidates for the post of Police Constable Grade II, Jail Warder, Fireman and also fixed the online application process showing the last date for submission of the applications as follows:-

வ.எண்.	விபரம்	நாள்	நேரம்
1.	இணையவழி விண்ணப்பம் பதிவேற்றம் தொடங்கும் நாள்	28.12.2017	12.00 பி.ப.
2.	இணையவழி விண்ணப்பத்தினை பதிவேற்றம் செய்வதற்கான கடைசி நாள்	27.01.2018	12.00 பி.ப.
3.	அஞ்சலகங்கள் மூலம் கட்டணம் செலுத்துவதற்கான கடைசி நாள்	31.01.2018	5.00 பி.ப.
4.	எழுத்துத் தேர்வு	மார்ச் / ஏப்ரல் 2018	

3. All these petitioners have faced some server problem, while applying for the said post, due to some technical errors emerging in the internet centres. However, they have applied for the examination through online mode on 27.1.2018. But with regard to the payment of the examination fee of Rs.130/-, they were unsuccessful because of the problem encountered in the internet centres. Although they went to the other internet centres in the rural area, they were not able to successfully pay the examination fee through online payment/net banking/credit card/debit card mode. Therefore, after submitting their applications without the examination fee, they have given a representation on 2.2.2018 to the respondent mentioning the difficulties faced by them with a request to accept the fee as an exceptional case. But there is no response. Hence, they have come to this Court. The learned counsel for the petitioners further submitted that when they have obtained a separate net connection in one of their friend's name on 27.1.2018, after successfully uploading their applications along with the scanned certificates, they encountered some problem at the stage of payment of fee. Though the fee paid through net banking was accepted for the first candidate, due to server problem, the remaining candidates were not able to make the payment successfully. On enquiry, they came to know that 10,000 candidates all over the State who had applied through online, particularly, in Villupuram, Dharmapuri, Krishnagiri and Vellore districts also faced a similar problem and some of the unsuccessful candidates had also approached the respondent on 31.1.2018 and explained their position. In the same way, the petitioners also made their attempt. But they were not able to meet the Chairman or the members. But somehow, some of technical staff working in the Tamil Nadu Uniformed Services Recruitment

Board informed them that the status of their applications shows as "payment pending" till date. Therefore, without any option, they have given a representation on 2.2.2018 to the Chairman and Members of the Board explaining their position. Now they are apprehending the risk of not writing the examination. Hence a direction be issued to receive the fee. Otherwise, their career would be doomed.

4. The learned Special Government Pleader for the respondent, taking instructions from Mr.P.K.Prakash, Deputy Superintendent of Police, TNUSRB present in Court, submitted that the representation dated 2.2.2018 clearly speaks about the true picture of their case, because it is admitted by them that on the last date i.e., 27.1.2018, they prepared their applications to be submitted through online mode. Even after 27.1.2018, for payment of fee, they had time till 31.1.2018. Had they really experienced any difficulty/problem either on 27.1.2018 or 28.1.2018 or any other date, they could have gone to the nearest e-payment post office and paid the examination fee, which also has not been done and no proof whatsoever has been produced. Therefore, when the petitioners themselves have admitted that they have started preparing the applications only on the last date (27.1.2018), in spite of having time till 31.1.2018, the representation filed on 2.2.2018 has also failed to mention what happened to them from 27.1.2018 to 31.1.2018. Hence, no indulgence can be shown to them, as they have attempted to prepare their applications on the last date.

5. I also find full merits in the reply given by the learned Special Government Pleader for the respondent. The representation submitted by the petitioners on 2.2.2018 clearly admits the mistake committed by them that they prepared the applications only on 27.1.2018. It is not known why they kept quiet from 28.12.2017 and have chosen to prepare the applications only on the last date i.e., 27.1.2018. Even if there was any problem on 27.1.2018 for payment of fee, they had time till 31.1.2018. But nowhere the representation dated 2.2.2018 submitted to the respondent shows that they faced any problem from 27.1.2018. That shows that the petitioners are not vigilant or alert. Therefore, when the time for payment of fee through e-payment post office was also over, this Court is not inclined to entertain the writ petitions at this stage. Accordingly, the writ petitions are dismissed. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

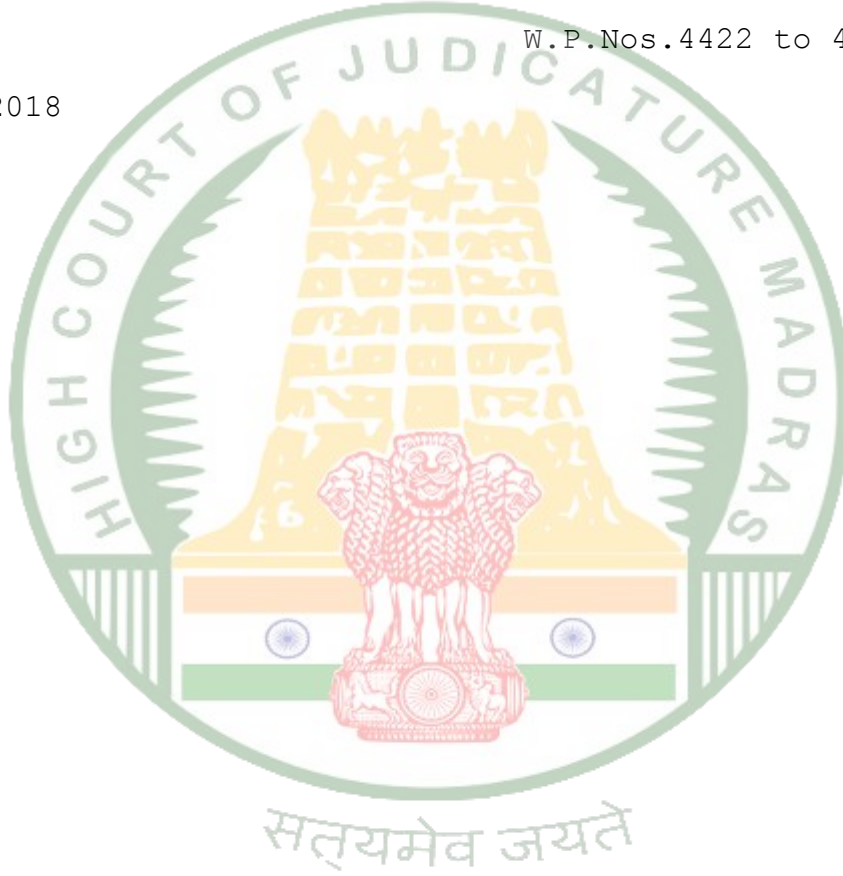
1. The Chairman
Tamil Nadu Uniformed Services Recruitment Board
Pantheon Road
Egmore
Chennai 600 008

+5cc to Ms.S.Deepika, Advocate sr.no.15325 to 15329

+1cc to Government Pleader in sr.no.15904

W.P.Nos.4422 to 4426 of 2018

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