

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22101 of 2018
and W.M.P.Nos.25899 & 25900 of 2018

P.Suriya

.....Petitioner

Vs

The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the respondent common recruitment for the post of PC, Jail Warden and Fireman 2018 Provisional Selection List (1:5 ratio) for PMT / ET / PET in connection with Centre Code 18 - Perambalur is concerned insofar as it does not include the name of the petitioner and quash the same and consequently direct the respondent to include the name of the petitioner in the provisional selection under the Scheduled Caste quota.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

ORDER

The grievance of the petitioner in this writ petition is that he belongs to SC category and applied for the common recruitment examination for the post of PC, Jail Warden and Fireman 2018 in that category but while uploading the certificate, he could not upload the certificate of him but uploaded the certificate of his father. Since he did not upload the certificate of him though he participated in the written examination and admittedly he has secured cut off mark for being called for next phase of examination but he being treated as OC

category candidate, his application has been rejected on the ground that he is age barred. However the petitioner's application as a scheduled caste candidate is not a disputed one. It is only for the reason that he could not upload the community certificate of him instead, he uploaded the certificate of his father, so he was not considered in SC category and he was taken to be general category candidate and he having been crossed the age cap of general category candidate, he was not provisionally selected. The petitioner has now come to this Court seeking a direction to the respondent to consider the case of the petitioner in the scheduled caste category and give him call to the next test as an SC category candidate, including his name among the provisionally selected category candidates.

2. The aforesaid being the undisputed fact and also it being well settled in law that the status of a person if there on the date of advertisement, but somehow or other he could not furnish the proof but the same is supplied later, the same cannot be ground to disentitle him to consider in the said category and in this case the petitioner claims that he belongs to SC category and made application and also possess said certificate issued to him and his father also belongs to SC category as revealed from the uploaded certificate, the petitioner appears to have made out a prima facie case, submits the counsel for the petitioner.

3. Mrs.Thangavadhana Balakrishnan, the learned Additional Government Pleader who takes notice on behalf of the respondent, however made objection.

4. After hearing the learned counsel for the parties concerned, this Court disposes of this Writ Petition at the stage of admission giving a direction to the petitioner to furnish his such community certificate before the respondent by 03.09.2018 and if the respondent finds that the petitioner belongs to the priority category of scheduled caste for which he has made application and within the age cap and also has secured cut off mark of that category, the respondent shall include his name in that category and treat him to have been provisionally selected in that category for the next round of test.

5. Since the order is passed in the presence of the learned counsel for the respondent, the aforesaid order may also be communicated by the learned counsel for the respondent in order to facilitate the petitioner to produce the certificate on an earlier date for consideration of his application for inclusion of him provisionally for the next test, if he is otherwise qualified to be included in the scheduled caste priority category. However, the petitioner may also file an affidavit in this regard before the respondent indicating therein that the

aforesaid order has been passed. But filing of the same shall not be condition precedent to honour this order by the respondent, if the petitioner is otherwise qualified.

6. With the aforesaid order, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

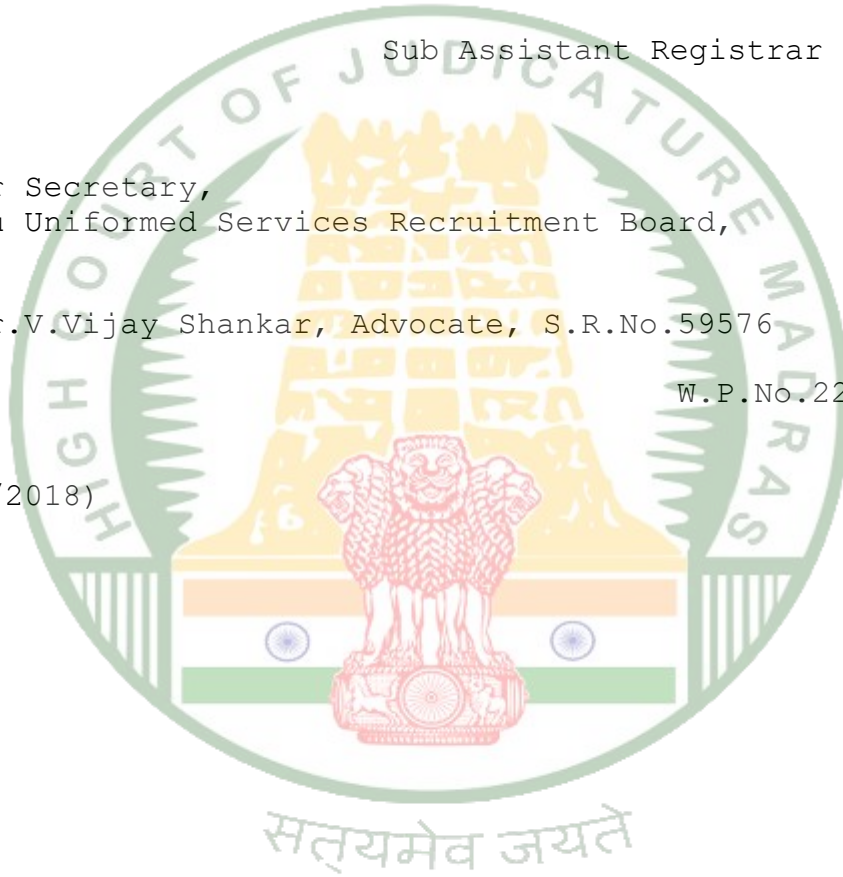
To

The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.59576

W.P.No.22101 of 2018

GSP(31/08/2018)



WEB COPY