

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.22159 of 2018

and

W.M.P.No.25972 of 2018

R. Tamil Alagan

...Petitioner

Vs.

The Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner Office Campus,
Pantheon Salai, Egmore,
Chennai - 600 008.

....Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent to publish the petitioner's result of the written examination held by the respondent for the post of Grade II PC, considering his representation dated 13.08.2018 and to permit him to appear in the ensuing Physical Test to be held by the respondent.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mrs.Narmadha Sampath

Additional Advocate General assisted by
M/s.Thanga Vadhana Balakrishnan
Government Advocate

O R D E R

Heard, Mr.K.Sathish Kumar, learned counsel appearing for the petitioner and Mrs.Narmadha Sampath, learned Additional Advocate General assisted by M/s.Thanga Vadhana Balakrishnan, learned Additional Government Pleader, who accepts notice on behalf of the respondent. On consent of the learned counsel appearing for the parties, the Writ Petition is taken up for disposal at the stage of admission.

2. The grievance of the petitioner in this Writ Petition is that, he is not allowed to participate in the second round of test, i.e. physical endurance test, though he has secured '52' marks, which is much more than the cut-off mark fixed for the scheduled caste candidates, i.e., '45', on the ground that he has not uploaded his

certificate to prove that he has required educational qualification, even though he has passed qualifying exam.

3. Heard the learned counsel appearing for the parties. This Court in similar facts and situation also passed in W.P.No.22387 of 2018, disposed of the Writ Petition directing the respondent to allow the petitioner to participate in the second round of test, i.e. the physical endurance test, vide order dated 29.08.2018 and the relevant portion of the order is reproduced herein below:-

" 4. The case of the petitioner is that he was in possession of certificates on the date of his application. But inspite of chances given, the petitioner could not upload the same. However, the petitioner is residing in a remote area where there is no easy access to Internet and at time technical glitches also occurred, such technical glitches are also frequent in this country. Therefore, inspite of opportunity given, even if the petitioner had not uploaded, as he is stated to be fully qualified and was also in possession of the Educational qualification certificates on the date of his application, non furnishing of the certificate of the petitioner at the time of application as such cannot be viewed adversely, dis-entitling him to be considered, when he is a meritorious candidate in that category and inclusion of his name in the provisional list on the basis of minimum cut of marks is not going to adversely affect any other candidature in his category as gathered from the counsel for the respondent. Therefore, this Court is of the view that this writ petition can very well be disposed of granting the relief to the petitioner without seeking any reply affidavit. Hence, the writ petition stands disposed of with a direction to the respondent to verify the certificate of the petitioner and if the respondent is satisfied of the fact of his possessing the requisite educational qualification on the date of application and has secured required cut off marks

for inclusion in the provisional list of the said category, to include his name in the provisional list for qualifying for second round of test i.e physical efficiency test. The order having been passed in the presence of the learned counsel appearing for the respondent, the same be communicated to the respondent that this Court has allowed him to participate subject to verification of his community certificate and other qualification and also the qualifying cut off marks in the priority category. The petitioner may also furnish an affidavit in this regard before the respondent, who on receipt of the same shall act accordingly without awaiting for this order but the petitioner shall produce the order immediately on receipt of the same. However, production of affidavit should not be condition precedent as this Court has already directed the respondent counsel to intimate the order. No costs. Consequently, the connected miscellaneous petition is closed. However it is made clear that the petitioner if does not possess the qualification and the community certificate on the date of his application, the same entails rejection of his candidature. "

4. In view of the aforesaid order, this Writ Petition stands disposed of with an order giving a direction to the respondent to allow the petitioner to participate in the examination in terms of the aforesaid order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

To

The Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner Office Campus,
Pantheon Salai, Egmore, Chennai - 600 008.
+1 cc to M/s.K.Sathish Kumar Advocate SR.NO. 59117

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SJ(cO)

ASK(05/09/2018)