

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.624 of 2018
and
C.M.P.No.6097 of 2018

The Tamil Nadu Uniformed Services Recruitment Board (USRB),
rep.by its Member Secretary,
Egmore, Chennai-600 008. Appellant

-vs-

R.Saravanan .. Respondent

Appeal filed under Clause 15 of Letters Patent, against the
order passed by this Court in W.P.No.24882 of 2017 dated
07.11.2017.

WP.24882 OF 2017:

Writ Petition filed Under Article 226 of the Constitution
of India to issue a writ of certiorarified mandamus calling for
the records of the impugned order of non-selection of the
petitioner dated 08.09.2017 issued by the respondent through
website herein and quash the same, consequently direct the
respondent to appoint the petitioner as Grade II Police
Constable or Grade II Fireman or Grade II Jail Warden by
awarding 3 special marks for the certificates of the petitioner
as per the clause 31 of recruitment notification of the
respondent dated 23.01.2017 forthwith.

For Appellant :: Mrs.Narmatha Sampath,
Addl.Advocate General
assisted by
Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For Respondent :: Mr.M.R.Jothimanian

JUDGMENT

(Delivered by RMT.TEEKAA RAMAN, J.)

The respondent herein has secured 65 marks i.e., 50 marks in the written examination and 15 marks in the physical efficiency test conducted by the Tamil Nadu Uniformed Services Recruitment Board, for selection to the post of Grade II Police Constables/Grade II Jail Warders/Firemen. He applied for the aforementioned posts and he was assigned Enrolment No.1010947 by the appellant-Board. Subsequently, he appeared for the written test held on 21.5.2017 and got qualified in the written examination by securing 50 marks. Thereafter, he was also awarded 15 marks in the physical efficiency test. Finally he was directed to take part in the certificate verification held on 28.7.2017. According to the respondent, although he is fully qualified and he has also participated in the certificate verification held on 28.7.2017 and produced all the original certificates including the NCC-B & C certificates, NSS certificate and sports certificates and that he has also made an endorsement that all the original certificates were received from the appellant-Board safely, after physical verification of the same, however, when the results were published on 8.9.2017 through website, the respondent was found not selected. Finally, on verification, it was found that the Board has not awarded special marks viz., 2 marks for NCC-B & C certificates, $\frac{1}{2}$ mark for NSS certificate and $\frac{1}{2}$ mark for sports certificates. Since 67 marks have been fixed by the Board for MBC category, had the candidate been awarded 2 marks for NCC-B & C certificates, $\frac{1}{2}$ mark for NSS certificate and $\frac{1}{2}$ mark for sports certificates, he would have secured more than the cut-off marks i.e., 68 and he would have been automatically selected. Therefore, the respondent prayed for a direction to select him, as he has secured 68 marks.

2.The appellant-Board filed a detailed counter affidavit before the Writ Court and it was submitted by the learned Additional Advocate General for the Board before the writ Court that the contention made by the learned counsel for the respondent herein that at the time of taking part in the certificate verification, the respondent had produced the originals of NCC-B & C certificates, NSS certificate and sports certificates, is totally unacceptable, because he has not produced any of the aforementioned certificates.

3.At that time, this Court had verified the original NCC-B & C certificates, NSS certificate and the sports certificates produced by the respondent herein. Finally, this Court held that the respondent comes within the zone of consideration and accordingly issued a direction to the appellant to consider the case of the respondent and proceed further, after subjecting the

respondent to the Medical Board for obtaining a certificate of medical fitness and obtaining a certificate as to his antecedents, for issuance of the appointment order, as per the marks secured by the respondent, in any of the categories of posts to which he is entitled to.

4.Challenging the said order passed in the writ petition, the present appeal has been filed by the Department.

5.When this appeal came up before this Court on 26.03.2018, this Court directed the learned Addl.Advocate General appearing for the appellant to produce the register maintained by the Certificate Verification Committee, wherein endorsement has been made recording the verification of the certificates in question.

6.Accordingly, the matter has been posted today. But, the learned Addl.Advocate General has produced only the original application and the attested copies of certificates of the incumbent. However, the register which has been ordered to be produced, has not been produced. The learned Addl.Advocate General has relied upon a Division Bench judgment of this Court in Dr.M.Vennila v. Tamil Nadu Public Service Commission, reported in 2006(3) CTC 449 and submitted that no modification/relaxation can be made by the Court and that applications filed in violation of instructions, cannot be entertained.

7.Heard the learned counsel on either side and perused the materials available on record.

8.It is seen that the learned single Judge, after verifying the original certificates in question, held that the respondent who has secured 65 marks, i.e., 50 marks in the written examination and 15 marks in the physical efficiency test, has to be awarded 3 more special marks, viz. 2 marks for NCC-B & C Certificates, $\frac{1}{2}$ mark for NSS Certificate and $\frac{1}{2}$ mark for sports certificates, and if those marks are awarded, the respondent comes within the zone of consideration. When it was submitted on behalf of the Board that though the respondent has secured 68 marks, he has to cross two more stages of selection process, viz. to get a medical fitness certificate from the Medical Board and also a certificate as to the antecedents, it was held by the learned single Judge that the Board has to consider the case of the respondent after subjecting him to the Medical Board for obtaining a certificate of medical fitness and obtaining a certificate as to his antecedents, for issuance of the appointment order as per the marks secured by him. Thus, all the points have been taken note of and considered by the learned single Judge.

9.In the above stated circumstances, we find no error or infirmity in the impugned order passed by the learned single Judge warranting interference. Hence, the writ appeal is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-ii)

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Sub Assistant Registrar

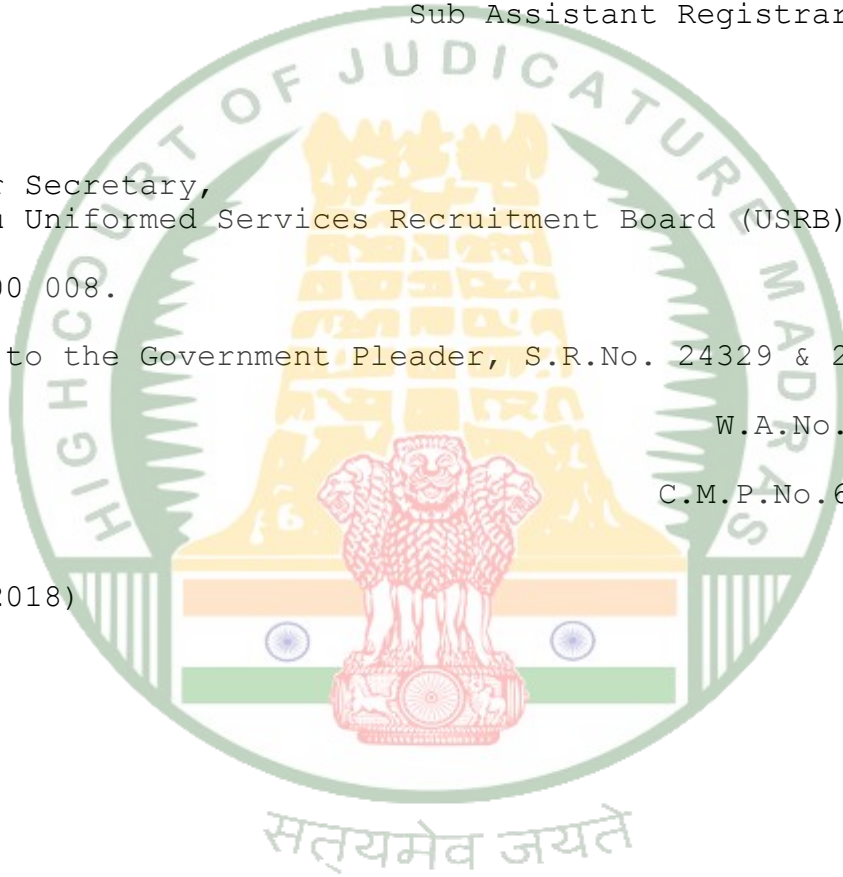
KM
To

The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board (USRB),
Egmore,
Chennai-600 008.

+1cc to the Government Pleader, S.R.No. 24329 & 24967

W.A.No.624 of 2018
and
C.M.P.No.6097 of 2018

mg (CO)
TR(24/04/2018)



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