

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.22387 of 2018 and WMP.No.26231 of 2018

S.Vetri Ganesh

..... Petitioner

Vs

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
(TNUSRB),
Old Commissioner of Police Campus,
Pantheon Road,
Egmore, Chennai 600 008.

..... Respondent

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to include the petitioner's name in the provisional selection list as he has passed the written examination and consequently permit the petitioner to appear for the physical test to be conducted by the Respondent from 03.09.2018 in respect of the candidates for the Tirunelveli Region.

For Petitioner : M/s.K.V.Subramanian Associates
For Respondents : Mrs.Narmadha Sampath
Additional Advocate General
Assisted by Mrs.R.Janaki
Additional Government Pleader

O R D E R

It appears that the petitioner had submitted his application for recruitment to the post of Gr-II PC, Jail Warden, Fireman in different wings of Tamil Nadu Police conducted by Tamil Nadu Uniformed Service Recruitment Board. The petitioner while uploading the on-line application form was in possession of Educational qualification certificates but he had uploaded only one certificate. Though, he had possessed the required qualification by second attempt and the next certificate was not uploaded, the same being an inadvertent error and the petitioner has now come out with a case that since he belong to MBC Category and also secured the cut-off mark in that category and

non uploading of his Second attempt SSLC certificate which he was in possession, was due to technical glitch and as such, the respondent be directed to include his name in the provisional list of selection for consideration to the next round of test in the priority category.

2. The learned counsel appearing for the petitioner submits that the petitioner was in possession of the certificate at the time of application but due to inadvertent error / technical glitch, he could not upload the same and further submits that this Court in similar facts and circumstances had allowed some petitioners to participate in the Physical Measure Test and endurance Test and Physical Eligibility Test in WP No.22101 of 2018 and hence, the respondent be directed to consider the case of the petitioner also for next round of test.

3. The learned Additional Advocate General appearing for the respondent submit that the petitioner was given a second chance to upload the certificate, but still the petitioner having not uploaded the required certificate, he cannot be heard of saying that his non-inclusion in the provisional list was illegal, arbitrary and as such, he cannot be considered to qualified and hence, the writ petition being devoid of merit and he is not entitled to the interim relief also.

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.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
(TNUSRB),
Old Commissioner of Police Campus,
Pantheon Road,
Egmore, Chennai 600 008.

+1cc to Mr.R.V.Subramanian, Advocate, S.R.No.60285

+1cc to the Government Pleader, S.R.No.61785

W.P. No.22387 of 2018

GSP(12/09/2018)

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