

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2018

Coram
The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 22599 of 2018
and
W.M.P.No.26449 of 2018

J.D. Manoj Kumar

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

2. The Member Secretary,
Tamil Nadu Uniform Service Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to permit the petitioner to take part in the physical test to be held on 07.09.2018 as an eligible candidate for the post of Grade II Police Constables, Grade II Jail Warden and Firemen on the bases of the representation of the petitioner dated 25.08.2018.

For Petitioner : Mr.N.K.Arulmuruganandham

For Respondents : Mrs. Narmada Sampath
Additional Advocate General
Mrs. R. Janaki
Additional Government Pleader

ORDER

Heard, Mr.N.K.Arulmuruganandham, the learned counsel appearing for the petitioner and Mrs. Narmada Sampath, Additional Advocate General assisted by Mrs. R.Janaki, learned Additional Government Pleader who accepts notice on behalf of the respondents. With the consent of the learned counsel on

either side, 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 '55' marks, which is more than the cut-off marks fixed for the Backward Class candidates, i.e., '50', 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 in two attempts.

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 respondents to allow the petitioner to participate in the examination in terms of the aforesaid order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

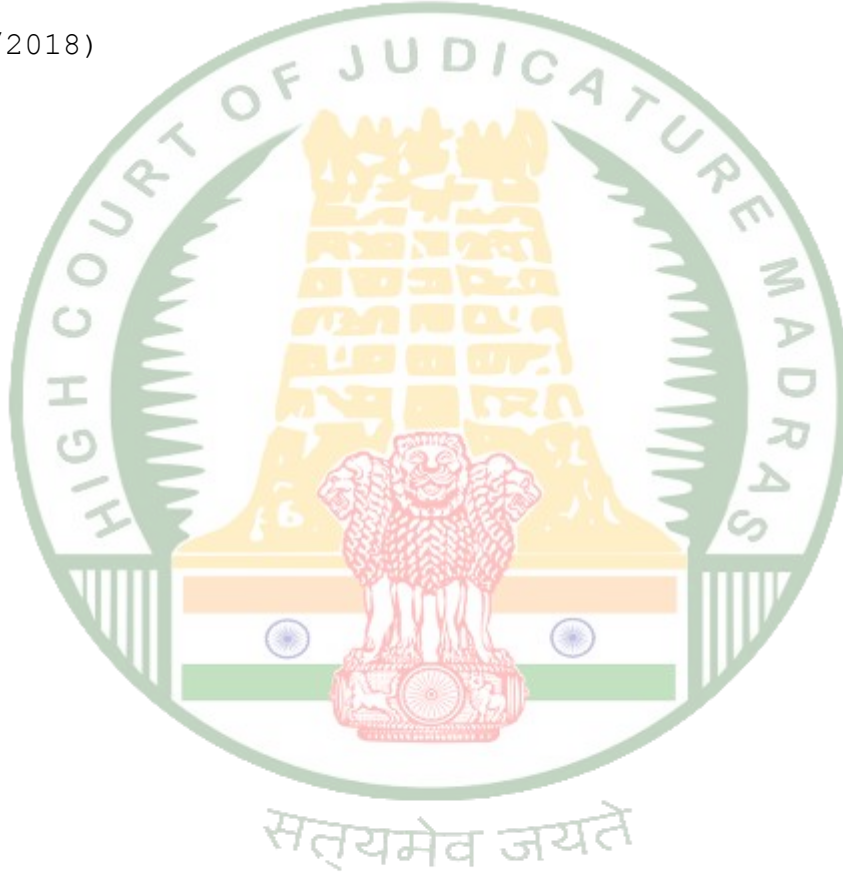
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+1cc to Mr.N.K.Arulmuruganandham, Advocate, S.R.No.60416

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SJ(CO)
GSP(05/09/2018)



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