



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.376 of 2018
and
C.M.P. (MD) No.2306 of 2018

The Chairman
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Chennai - 600 008. ... Appellant

Vs.

C.Maharaja ... Respondent

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 04.01.2018 made in W.P.(MD) No.18690 of 2017 on the file of this Court.

Prayer in WP(MD). 18690/ 2017 :

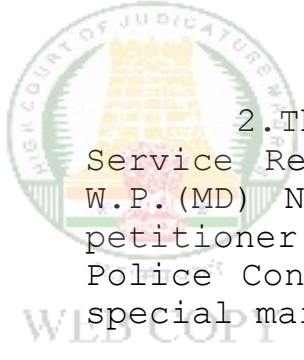
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned results published by the 1st respondent through his official web site dated nil in connection with the common recruitment for the post of Tamilnadu Special Police Constable Grade II/Jail Warden/Fire man for the year 2017 and quash the same and consequently direct the respondent to appoint the petitioner as Tamilnadu Special Police Constable Grade-II for the year 2017.

For Appellant	: Mr.B.Pugalemdhi, AAG instructed by Mr.A.K.Baskarapandian, Spl.G.P.
For Respondent	: Mr.C.Jegannathan for M/s.Veera Associates

JUDGMENT

(Judgment of this Court was delivered by **T.S.SIVAGNANAM, J.**)

Heard Mr.B.Pugalendhi, learned Additional Advocate General, instructed by Mr.A.K.Baskarapandian, learned Special Government Pleader for the appellant and Mr.C.Jegannathan, for the learned counsel for the respondent.



2.This appeal by the Chairman of the Tamil Nadu Uniformed Service Recruitment Board is directed against the order made in W.P.(MD) No.18690 of 2017 dated 04.01.2018. The respondent/writ petitioner questioned his non selection to the post of Grade-II Police Constable on the ground that he has not been awarded two special marks for possessing NCC "C" Certificate.

3.It is not in dispute that along with the application form, the petitioner has enclosed the photostat copy of the certificate and shaded in column 25(9) that he possess such a certificate. However, the committee which verified the original certificates took a stand that the petitioner did not produce the certificate. The Writ Court issued an interim direction and directed verification of the certificate and was satisfied that the respondent/writ petitioner possess necessary NCC "C" Certificate. In the light of the factual position, the writ petition was allowed.

4.The question would be as to whether the appellant can deny the selection to the respondent/writ petitioner on the ground that the conditions contained in the information brochure which are rules of selection could be relaxed or waived. So far as the legal position is concerned, the rules of selection, which are in the form of information brochure are binding on the candidate and cannot be relaxed or waived.

5.However, in the instant case, the respondent/writ petitioner does not seek for relaxation or waiver of any of the condition but on the ground that though certificate was produced, it was not noted. We can presume situations like that of the respondent/writ petitioner's case, where he had disclosed that he possess certificate by filing application and enclosed photostat copy of the said certificate, there could be no valid reason for the respondent in refusing to produce the certificate at the time of certificate verification. Even assuming by over sight the petitioner has not produced the certificate, the verifying authority can very well call for the certificate because it has been mentioned specifically in the application form and photostat copy is available.

6.Therefore, we find that the order passed by the Writ Court is just and proper.

7.The learned Additional Advocate General submitted that as of now, the selection process for the year 2017 selection has been completed and the selected candidates have been sent for training. Taking note of the factual situation in this case, we direct the respondent/writ petitioner to be considered for appointment to the post of Grade-II Police Constable in any existing vacancy in the 2017 batch, failing which, to be given an appointment in 2018 selection which process has already commenced. The above



direction shall be complied with, within a period of 8 weeks from the date of receipt of a copy of this judgment.

8. With the above observation and direction, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO M/S. Veera Associates, Advocate in SR No. 55412

+ 1 cc TO The Special Government Pleader in SR No. 55924

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