



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD)No.412 of 2018

and

C.M.P.(MD)No.2486 of 2018

1.The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office campus,
Pantheon Road, Egmore, Chennai-600 008.

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

..Appellants/Respondents

Vs.

T.Mathavan

..Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 04.01.2018, made in W.P.(MD).No.20309 of 2017, on the file of this Court.

Prayer in WP(MD). 20309/ 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 records pertaining to the impugned proceeding of the 2nd Respondent in Na.Ko.O.Mudivu. Aar-3/G.P/3632/2017 dated 10.10.2017 and quash the same and consequently direct the 1st Respondent to grant appointment to the Petitioner in the post of Jail Warder Men Constable or Firemen as the case may be in the Common Recruitment for the posts of Grade II police Constable , Grade II Jail Warder and Fireman for the year 2017.

For Appellants

: Mr.B.Pugalendhi
Additional Advocate General
assisted by Mr.A.K.Baskara Pandian
Special Government Pleader



JUDGMENT

[Judgment of this Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.B.Pugalendhi, learned Additional Advocate General, appearing for the appellants.

2.This appeal is directed against the order passed in W.P. (MD).No.20309 of 2017.

3.The respondent / writ petitioner filed the writ petition challenging his non-selection to the post of Grade II-Police Constables- Jail warders- Fireman, 2017, in the quota reserved for the persons studied in Tamil Medium (PSTM). The only mistake committed by the respondent / writ petitioner is that he did not enclose the copy of the tenth standard certificate to show that his medium of instruction is Tamil. However, he has enclosed the twelfth standard certificate. Apart from that the respondent / writ petitioner had established in his online application about the medium of instructions in S.S.L.C. as Tamil. Though it may be considered, as per the information brochure the respondent should have enclosed the tenth standard mark sheet to show the medium of instructions as Tamil, but he has enclosed the twelfth standard, which was considered by the Writ Court and the relief sought by the respondent / writ petitioner has been granted.

4.It is the common knowledge that the person, who has not undergone his S.S.L.C. in Tamil Medium, cannot come up with the Higher Secondary Curriculum in Tamil Medium. Therefore, the Writ Court in view of the facts, took a decision in favour of the respondent / writ petitioner. We find that there are no grounds made out by the appellants to interfere with the impugned order.

5.However, we may notify that the information brochure published by the board is the rules of selection and there can be relaxation or waiver of the conditions stipulated there in. That apart a candidate having participated in the selection process cannot challenge the rules of selection. Though the respondent had indicated in column No.14 of his application that the medium of instructions in S.S.L.C is Tamil, he has enclosed the twelfth certificate not the tenth standard certificate. Thus, we find that the reason assigned by the writ petitioner is proper for considering his case.

6.Hence, for the above reasons, the writ Appeal fails and dismissed, the appellants are directed to implement the directions issued in the writ petition within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, C.M.P.(MD)No.2486 of 2018 is closed.

Sd/

Assistant Registrar(P&A)

/True copy/



To

1.The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office campus,
Pantheon Road, Egmore, Chennai-600 008.

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

+1cc to M/s.Special Government Pleader,SR.No. 56472

W.A. (MD) No.412 of 2018
and
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