



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

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

W.A.(MD)No.414 of 2018
and C.M.P.(MD)No.2495 of 2018

Tamil Nadu Uniformed Services,
Recruitment Board,
Rep.by its vice Chairman,
Having Office at
Old Commissioner of Police Office Campus,
Pantheon, Egmore,
Chennai-600 008.

... Appellant/Respondent

Vs.

C.Bharathi

... Respondent/Petitioner

PRAYER : The Appeal filed under Clause 15 of Letters Patent against the order dated 04.01.2018 passed by the Hon'ble Mr.Justice G.R.Swaminathan made in W.P.(MD)No.17627 of 2017 on the file of the Court.

Prayer in WP(MD). 17627/ 2017 :

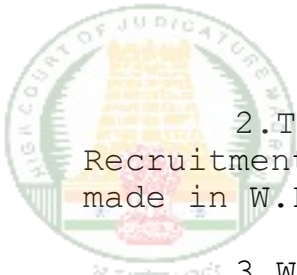
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned provisional Selection List published in the respondent Website dated 31.08.2017 in respect of the selection process based on the Notification issued by the Respondent vide Advertisement NO.117 calling for the applications for the post of Police Constable Grade-II (M & W), Jail Warders Grad- II (M &W) and firemen and quash the same as illegal and consequently to appoint the Petitioner as a Grade-II Police Constable or Jail Warders Grade-II or Fireman by adding the Special 2 Marks for his NCC Certificate and for other reliefs.

For Appellant : Mr.B.Pugelandhi, A.A.G
Assisted by V.R.Shanmuganathan

JUDGMENT

(Judgment of the Court was made by T.S.SIVAGNANAM, J.)

<https://hcservices.ecourts.gov.in/hcservices/>
Heard Mr.B.Pugelandhi, learned Additional Advocate General.



2.The appellant, who is the Tamil Nadu Uniformed Service Recruitment Board, have filed this Writ Appeal against the order made in W.P.(MD)No.17627 of 2017.

3.Writ Petition filed by the respondent herein against the selection of the post of Police Constable Grade II (M&W), Jail Warders Grade II (M&W) and Fireman.

4.The respondent / Writ petitioner contented that he possesses NCC "B" certificate and he is entitled to get one mark. The Writ Court found that the respondent / Writ petitioner had clearly indicated in his application that he possess NCC "B" certificate.

5.The learned Additional Advocate General submitted that there cannot be any relaxation of the condition contained in the brochure.

6.In our considered view, the Writ Court did not direct to relax any of the conditions but came to the conclusion that the respondents / Writ petitioner is in possession of NCC "B" certificate and also clearly indicated in the application.

7.There is no reason as to why the respondent / Writ petitioner would not produce the original certificate at the time of verification. Therefore, we find that there is no error in the orders passed by the Writ Court. Thus, for the above reasons, we are not inclined to interfere with the order passed by the Writ Court.

8.The learned Additional Advocate General submitted that the entire selection process is over for the year 2017 and the selected candidates have been sent for training.

9.Therefore, we make slight modification in the direction of the Writ Court to consider the appointment of the Writ petitioner to 2017 batch, if there are any vacancies. If there are no vacancies, the respondent / Writ petitioner shall be appointed in the 2018 selection. This direction shall be complied within a period of eight weeks from the date of receipt of copy of this judgment. Accordingly, the Writ Appeal is dismissed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



To

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

+1cc to Special Government Pleader, SR.No. 56789

W.A. (MD) No.414 of 2018
20.03.2018

gns

JM/KKR/SAR 3/15.05.2018/3P/3C