



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20309 of 2017

and

W.M.P.(MD) No.16589 of 2017

T.Mathavan

... Petitioner

Vs.

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.

... Respondents

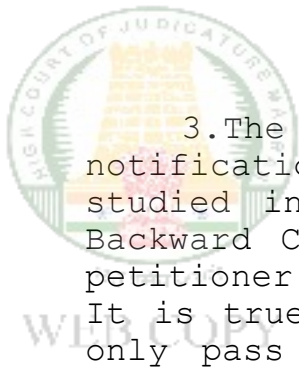
Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned proceeding of the 2nd respondent in Na.Ka.O.Mudivu.Aar-3/G.P/3632/2017 dated 10.10.2017 and to quash the same and consequently direct the 1st respondents to grant appointment to the petitioner in the posts of Grade-II Police Constable, Grade II Jail Warder and Fireman for the year 2017.

For Petitioner : Mr.B.Rooban
For Respondents : Mr.B.Pugalendhi,
Additional Advocate General
Asst.by Mr.A.K.Bhaskarapandian,
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the writ petitioner as well as the learned Additional Advocate General for the respondents.

2.The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai - 2, issued notification dated 23.01.2017 inviting applications for the post of Police Constables - Grade II, Jail Warders - Grade II and Fireman, 2017. In the said notification, 20% quota was earmarked for those, who had studied in Tamil Medium.



3. The writ petitioner applied in response to the said notification. He specifically claimed that he was a pupil who studied in Tamil Medium (PSTM). The petitioner belongs to Most Backward Class category. In support of the said claim, the writ petitioner had enclosed mark statements of 10th and 12th standards. It is true that the basic qualification required for the posts is only pass in 10th standard. But, it has been mentioned in the information brochure itself that if the 10th standard mark list does not contain any information that the candidate was a PSTM, then a certificate from the school concerned was required to be enclosed.

4. In the 10th standard mark list of the petitioner, it was not mentioned that the writ petitioner belongs to PSTM category. Instead of enclosing a certificate from the school concerned, the writ petitioner had chosen to enclose the 12th standard mark sheet in which, it is mentioned that the medium of instructions is Tamil. The writ petitioner studied in Little Flower Higher Secondary School, Annamangalam in 10th standard. He had completed the 12th standard also in the very same school. Thus, instead of producing an independent certificate from the school concerned, he had enclosed the higher secondary mark statement, in which also, the name of the school is mentioned. Thus, even though the writ petitioner may not have literally complied with the requirement set out in the information brochure, there is a substantial compliance.

5. The policy of the Government is to encourage those students, who have studied in Tamil Medium. That is why 20% quota had been earmarked. The writ petitioner had specifically claimed in his application that he is claiming benefit under the said category. He had also enclosed the relevant certificates. It has to be highlighted that the writ petitioner had completed his schooling in only one school viz., Little Flower Higher Secondary School, Annamangalam. Therefore, the second respondent was not justified in denying him employment on the ground of non submission of the relevant certificate. The writ petitioner had submitted the 12th standard mark sheet. Of course, it was not in the format as set out in the information brochure. But, nevertheless, there has been a substantial compliance in this case.

6. This Court while entertaining the writ petition had given a specific direction that the results of the recruitment process would be subject to the result of the writ petition. It is not the case of the respondents that there are no vacancies in the said post. If it is not possible to accommodate the writ petitioner in the recruitment process in the year 2017, a direction is given to accommodate him against a future vacancy. The order impugned in this writ petition is quashed.

7. The respondents are directed to include the name of the petitioner in the selection list and forward the same to the appointing authority for passing appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order.



8.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

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.

+One cc to Mr.B.Rooban, Advocate, SR.No.40461

+One cc to The Special Government Pleader, RS.No.40673

Arul

RL/5C/3P/MR/SAR4/31/1/2018

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