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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.09.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.19019 of 2018
and
W.M.P. (MD) No.16856 of 2018

C.S.Abish

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.71, Adithanar Road,
Pudupet, Egmore,
Chennai-600 002.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to participate in the physical examination test which is going to be conducted on 04.09.2018 for common recruitment of Grade-II Police Constable Jail Warden Fireman, 2018.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.M.Pandia Rajan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to permit the petitioner to participate in the physical examination test, which is going to be conducted on 04.09.2018 for common recruitment for the post of Grade-II Police Constable -Jail Warden-Fireman, 2018.



2.It is the case of the petitioner that he has participated in the examination conducted by the respondents for the post of Grade-II Police Constable / Jail Warden / Fireman. The cut off mark for the General BC category is fixed as 51 marks. Though he has secured 58 marks in the written examination and was found eligible for the physical test, his name did not find place in the provisional list issued by the respondents as early as in the first week of August, 2018. Therefore, the petitioner sent a letter dated 16.08.2018 to the 1st respondent, since there was no reply, the petitioner approached the first respondent in person on 23.08.2018 and enquired about the present status. The first respondent has informed that the SSLC mark statement of the petitioner was wrongly uploaded and hence, his name was not found in the provisional list for physical test.

3.The learned counsel for the petitioner would submit that having passed in the written examination, the petitioner has uploaded the requested documents such as SSLC mark statement, Community certificate, Tamil Medium Certificate, etc, through a browsing centre, as required by the respondents for verification. The browsing centre had erroneously uploaded some other candidate's marks, since there were many candidates to upload their documents. Hence, the learned counsel for the petitioner submits that there is no fault on the part of the petitioner and requests that the petitioner may be permitted to participate in the physical examination test.

4.The learned Additional Advocate General would submit that the required documents have been uploaded only by the candidates and therefore, the plea taken by the petitioner that the browsing centre had erroneously uploaded some other candidate's mark statement in the place of petitioner cannot be accepted. Moreover, for no fault of the respondents, the petitioner cannot contend that the candidature of the petitioner was not considered by the respondent.

5.The mark sheet produced before this Court clearly reveals that the petitioner has secured more marks and on account of an error committed by the person of the browsing centre, the candidature of the petitioner was rejected, for which, the respondent should not be blamed. The petitioner should be very cautious before uploading his marks in the website as required by the respondent.

6.Since the petitioner has got 467 marks out of 500, in S.S.L.C., he would not be deprived from participating in the selection. Hence, this Court permits the petitioner to participate in the physical examination to be conducted on or before 30.09.2018 as fixed by the respondents. However, it is made clear that mere participation of the petitioner in the physical examination test will not confer any guarantee to the petitioner that he would be selected in the physical examination.



7. With the above direction, the Writ Petition stands allowed. No costs. Consequently connected miscellaneous petition is also closed.

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/True Copy/

Sd/-

Assistant Registrar(P&A)

Sub Assistant Registrar(CS-II)

To

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.71, Adithanar Road,
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Chennai-600 002.

2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
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+1CC to Mr.D.Saravanan, Advocate, SR.No.82078

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