



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 20409 of 2018

and

W.M.P. (MD) No. 18181 of 2018

V. Vivek

... Petitioner

Vs.

1. The Chairman

Tamil Nadu Uniformed Services Recruitment Board,
Chennai.

2. The Superintendent of Police,

Ramanathapuram District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the documents pertaining to the impugned E-mail letter issued from the office of 1st respondent, dated 21.08.2018 and quash the same and may consequently, direct the 1st respondent to process application and may appoint him to the post of Sub Inspector (Technical) 2018 if he otherwise eligible.

For Petitioner : Mr. K. P. Narayanakumar

For Respondents : Mr. R. Sethuraman
Spl. Govt. Pleader

ORDER

The Writ Petition has been filed praying to issue Writ of Certiorarified Mandamus, to call for the documents pertaining to the impugned E-mail letter issued from the office of 1st respondent, dated 21.08.2018 and quash the same and consequently, direct the 1st respondent to process the application and appoint the petitioner to the post of Sub Inspector (Technical) 2018, if he is otherwise eligible.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Grade-II Police Constable in Tamil Nadu Police Department on 01.02.2011. The 1st



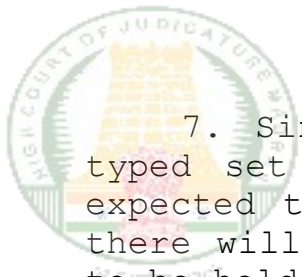
respondent has published a Notification for selection of eligible candidates for the post of Sub-Inspector of Police (Technical) 2018. Since the petitioner has qualified for the said post, he applied for the post of Sub Inspector of Police (Technical) 2018, through online, on 05.08.2018, under departmental quota. Eventhough the petitioner has uploaded all the certificates through online, which are not clear and hence, the petitioner was asked to send necessary certificates with user I.D., to the Office, through E-mail. Further, if the petitioner fails to send the above certificates / documents, his candidature for further process will be not considered. The petitioner has not been communicated about query through other modes. Therefore, he was unable to comply with the direction in time and hence, he has not been issued with the hall ticket. Hence, the petitioner has come forward for the aforesaid relief.

3. The learned Special Government Pleader appearing for the respondents has not disputed that the application has been sent along with certificates, but the certificates uploaded are not clear. Therefore, the petitioner was directed to send the the above certificates / documents through Gmail, dated 21.08.2018. Since the petitioner has not complied with the same, the respondents had rightly rejected the candidature of the petitioner. Further, the Authorities are entitled to reject the entire application on the sole ground that the application was not in order. Therefore, he prayed for dismissal of the Writ Petition.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader for the respondents and also perused the materials available on record.

5. It is not in dispute that the petitioner has sent the application along with the certificates through online, but the certificates uploaded are not clear. On that ground the rejection cannot be proper and if the documents / certificates are not at all uploaded, the respondents are perfectly justified in rejecting the candidature. In this case, as the documents which were sent through email are not clear, despite his merit and ability and also for no fault of him, his candidature shall not be rejected. Hence, this Court is inclined to direct the respondents to consider the case of the petitioner provided the petitioner submits clear copies through online and also in person with self attested copy and the genuineness of the same is subject to the verification.

6. In view of the same, the impugned E-mail letter issued from the office of 1st respondent, dated 21.08.2018 is quashed and the ~~respondent is directed to consider the candidature of the petitioner, if otherwise in order. No costs. Consequently, connected miscellaneous petition is closed.~~



7. Since the petitioner has filed all those documents with typed set of papers, the learned Special Government Pleader is expected to forward the same to the authority concerned, so that there will not be any hurdle in the examination that is scheduled to be held on 30.09.2018

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Chairman

Tamil Nadu Uniformed Services Recruitment Board,
Chennai.

2.The Superintendent of Police,
Ramanathapuram District.

+1cc to Mr.K.P.Narayana Kumar, Advocate, Sr.No.87195.

+1cc to Special Government Pleader Sr.No.87569.

W.P. (MD) No.20409 of 2018
27.09.2018

mpk

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