



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

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

W.A. (MD) .No.438 of 2018
and
C.M.P. (MD) No.2621 of 2018

1. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 08.
 2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
The Recruitment Sub Committee,
Dindigul, Dindigul District.
- ... Appellants/Respondents

Vs.

M.Vivek ... Respondent/Petitioner

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 27.11.2017 made in W.P.(MD) No.18135 of 2017 on the file of this Court.

Prayer in WP(MD)No.18135/2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to select the petitioner for the post of Gr-II constable under the SPORTS QUOTA FOR MOST BACKWARD CLASS COMMUNITY in the common Recruitment for the posts of Gr.II Police Constables (Men, Women and Third Gender), Gr-II Jail Warders (Men and Women) and Firemen for the year 2017.

For Appellants	: Mr.B.Pugalendhi, AAG Assisted by Mr.V.R.Shanmuganathan, Spl.G.P.
For Respondent	: Ms.M.Benazir Begum

**JUDGMENT**

(Judgment of this Court was delivered by T.S.SIVAGNANAM, J.)

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Heard Mr.B.Pugalendhi, learned Additional Advocate General instructed by Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Ms.M.Benazir Begum, learned counsel appearing for the respondent.

2.This appeal filed by the Tamil Nadu Uniformed Services Recruitment Board is directed against the order made in W.P.(MD) No.18135 of 2017 dated 27.11.2017. The respondent filed the said writ petition to direct the appellants to select him for the post of Grade-II Constables under the sports quota in the Most Backward Class community category in the recruitment conducted for the year 2017. The question which fell for consideration before this Court is as to whether the writ petitioner enclosed requisite copy of certificate viz., Form III certificate along with the application form submitted for being recruited to the said post.

3.It is not in dispute that the respondent had enclosed the certificate in Form No.III along with the application and shaded the column 'yes' to show that copy of certificate was enclosed with the application form. At the time of certificate verification, though the respondent had produced the original certificate, the Officer, who headed the Sub Committee had wrongly stated that the petitioner had not produced the certificate. The Writ Court called for the original application form, verified the same and found that it is a mistake committed by the Assessment Officer and the respondent cannot be blamed.

4.In the light of the said factual situation, we find there are no grounds to entertain this appeal. Accordingly, this appeal fails and the same is dismissed.

5.The learned Additional Advocate General submitted that as of now, selection process for the year 2017 recruitment is over and the selected candidates have been sent for training. However, we find that the Writ Court, while entertaining the writ petition granted an interim order on 22.09.2017 directing the appellant to keep one post vacant. Therefore, there will be no difficulty for the appellant in accommodating the respondent in the said vacancy. The respondent shall be given appointment in the said vacant post and sent for training in accordance with the relevant regulations, within a period of three weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

6.With the above observation, the order passed in the writ petition is confirmed. The writ appeal is accordingly dismissed.



No costs.
dismissed.

Consequently, connected miscellaneous petition is also

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Member Secretary,
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Recruitment Board,
Old Commissioner of Police Office Campus,
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2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
The Recruitment Sub Committee,
Dindigul, Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55923

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TE/KK/SAR-3 : 11/04/2018 : 3P/4C

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