

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29488 of 2019
& WMP.Nos.29341 & 29343 of 2019

M.Ajith

.. Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004

2.The Director General of Police/The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-08

..Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the second respondent in proceedings-Nil-dated 04.10.2019 and to quash the same and further direct the respondents to select and appoint the petitioner as Grade-II Police Constable.

For Petitioner .. Mr.S.Sivakumar

For Respondent .. Ms.M.Lalitha, GA for R1
Mrs.Narmadha Sampath, AAG
assisted by Mr.V.Kadhirvelu,
Spl.G.P for R2

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the second respondent in proceedings-Nil-dated 04.10.2019 and to quash the same and further direct the respondents to select and appoint the petitioner as Grade-II Police Constable.

2.According to the petitioner, he belongs to Schedule caste community and studied upto 10th standard(SSLIC). He applied for Common Recruitment 2019, for the post of Grade II-PC, Jail

Warden, Firemen through On-Line and he was also assigned Enrollment No.0307656. Thereafter, the petitioner appeared for written examination on 25.08.2019. Thereafter, the petitioner was awaiting the results, which were published on 26.09.2019, wherein to his shock and surprise his name was not found in the provisional selection list. Later, on verification, the petitioner came to know that his candidature was rejected by impugned proceedings dated 04.10.2019 on the ground that SSLC Pass Proof certificate not available/not clear/other person certificates. According to the petitioner, he has not committed any mistake in uploading the necessary certificates and after allowing the petitioner to write written examination, later rejecting his candidature is arbitrary and invalid. Hence, the writ petition.

3. The learned counsel appearing for the petitioner would submit that originally the petitioner has possessed the required qualification i.e., 10th Standard for the subject post to which he applied however, due to technical problem he could not properly up-load the SSLC Certificate and thereby his application came to be rejected, which cannot be sustained. He would also submit that due to this simple defect which can be rectified at the time of certificate verification, the petitioner lost valuable right of earning an appointment in public service, particularly in Police Department for which the petitioner has been aspiring much for so many years and finally he got a chance to participate in the selection. Therefore, the learned counsel would implore this Court to direct the respondents to consider the representation of the petitioner and permit him to appear for next stage of selection based on his marks obtained in the written test.

4. On the other hand, the learned Additional Advocate General appearing for the respondents would strongly object to the grant of any relief as prayed for the petitioner for the simple reason that in the notification it has been clearly mentioned that all the required certificates need to be uploaded through On-line and any certificate produced at later stage will not be entertained. She would point out that admittedly the petitioner has not up-loaded his SSLC Certificate as a proof to pass in 10th Standard and therefore, his application was rejected by the Board, which cannot be interfered with. She would also submit that if the petitioner's case is allowed, it will open a pandora box wherein similar claims which were rejected, would be flooding the Recruitment Board seeking review of their rejections as well. In any event, once the instructions are clear and unambiguous issued by the Recruitment Board, the same need to be scrupulously followed by all the candidates and there cannot be any deviation from the instructions to any single candidate. Therefore, she would

request this Court not to entertain the present Writ Petition at all.

5. Heard, the learned counsel appearing for the petitioner and learned Additional Advocate General appearing for the respondents and perused the entire materials available on record.

6. It is not in dispute that the petitioner is qualified and eligible for the subject post since having possessed required qualification i.e, 10th Standard. The only drawback is that the petitioner due to lack of sufficient knowledge in uploading the SSLC Certificate, he could not successfully upload the same, which unfortunately rendered in rejection of his application. Therefore, in the peculiar circumstances, this Court is of the view that the petitioner's case can be considered since admittedly the petitioner is possessing required qualification even on the date of applying for the post him. Though the contentions raised by the learned Additional Additional General are convincing in nature, this Court does not think that merely on the ground of technical lapses in uploading the certificates, the petitioner cannot be turned away from this Court from imparting justice to him. Being a writ Court, this Court shall consider and grant the relief not only on the basis of legal principle but on the basis of equity, fair play and good conscious. Even there is infraction which could be noticed on the part of the petitioner in uploading the certificate, such infraction ought to be condoned while applying the large principle of equity. Therefore, in such circumstances, this Court is of the considered view that the petitioner is entitled to the relief as sought for.

7. For the foregoing reasons, the petitioner is directed to appear in person before the respondents and produce his SSLC mark sheets within a period of 10 days from the date of receipt of a copy of this order. On such production and if the petitioner is found qualified for next selection based on his marks in the written test, the respondent is directed to permit the petitioner to appear for Physical Test for common Recruitment of Grade II Police Constable, Gr-II Jail Warder and Fireman, 2019.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004

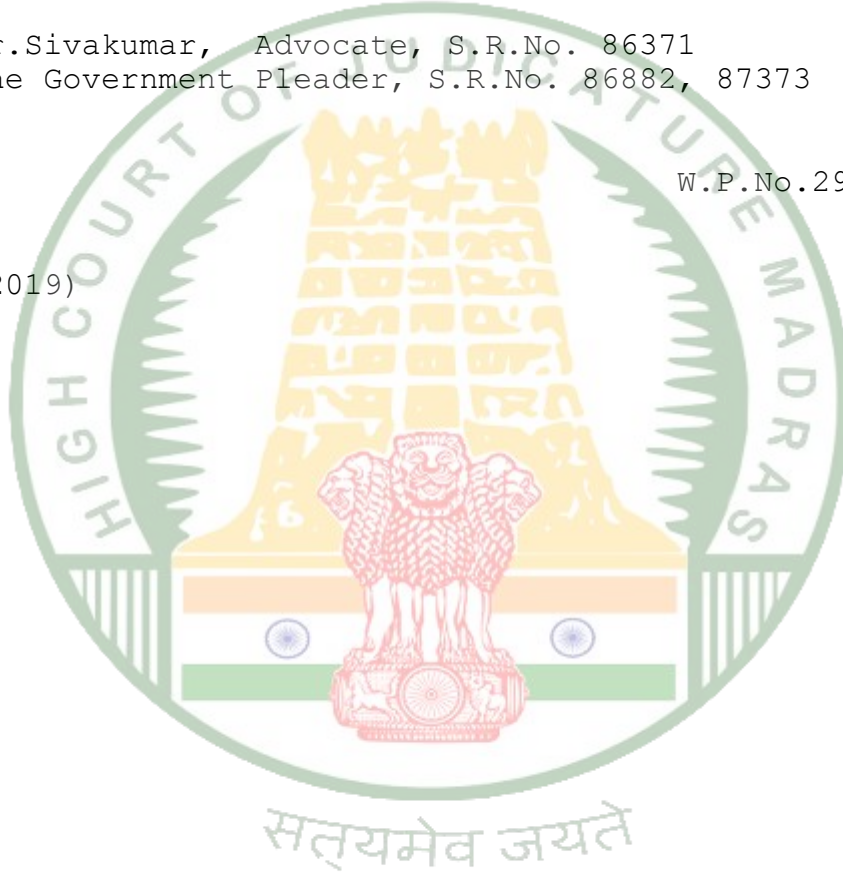
2.The Director General of Police/The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-08

+1cc to Mr.Sivakumar, Advocate, S.R.No. 86371

+2cc to the Government Pleader, S.R.No. 86882, 87373

W.P.No.29488 of 2019

MG (CO)
GN (21/11/2019)



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