



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.17587 of 2017

and

W.M.P. (MD) No.14128 of 2017

WEB COPY

V.Thirunavukarasu

... Petitioner

-Vs-

1.The Chairman,

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

2.The Chairman,

Recruitment Sub-Committee,
Madurai Centre & Deputy Inspector General of Police,
Madurai Range, Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and appoint the petitioner as Post of Grade-II Constable or Jail Warder or Fireman.

For Petitioner : Mr.P.Banuprasath
For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

The present Writ Petition is filed to direct the respondents to consider and appoint the petitioner as Grade-II Constable or Jail Warder or Fireman.

2.The petitioner, in response to the advertisement issued by the respondents, has applied for the post of Grade-II Constable or Jail Warder or Fireman. He has participated in the selection process and obtained 55 marks in the written examination, 12 marks in the P.E.T, totally, got 67 marks. The petitioner belongs to SC community and he studied upto 10th standard in Tamil Medium. The candidates, who studied in Tamil Medium, are given priority and 20% of the post allotted to the candidates, who studied in Tamil Medium. The cut off marks for priority candidates is 67 marks and the petitioner come under the priority category in Tamil Medium. Therefore, he is eligible to be appointed to the post of Grade-II Constable or Jail Warder or Fireman. He gave a representation to



the respondents on 06.09.2017 to consider his case sympathetically and provide him an employment. However, no order was passed on the representation of the petitioner. Hence, the petitioner has come out with the present Writ Petition.

3. When this Writ Petition was taken up for hearing, this Court, by the order dated 13.12.2017, did not accept the contention of the learned Special Government Pleader that the petitioner did not produce the original PSTM certificate at the time of verification. This Court recorded the submission of the learned Special Government Pleader and held that the respondents have not produced any material to show that the petitioner did not produce the original PSTM certificate. No record was produced, maintaining the entries made by the official with regard to non-production of original certificates by the petitioner. Considering the above material, this Court had directed the petitioner to produce the original PSTM certificate before the first respondent on or before 18.12.2017 and to file compliance report before this Court on or before 21.12.2017 and posted the Writ Petition on 21.12.2017 for further orders.

4. When the Writ Petition is taken up for hearing today (01.10.2019), the learned counsel appearing for the petitioner submitted that the petitioner has produced original PSTM certificate on 18.12.2017, before the first respondent, as per the order of this Court. The respondents have filed a report to that effect and also stated that at the time of verification, only, the original documents mentioned in the application alone will be verified and there will not be any deviation in the said procedures. If such procedure is allowed, it will open a flood-gate to other disqualified candidates and will also affect the legitimate selection of genuine candidates on merits. The respondents have also stated that the provisional list has already been sent to the Chief Office and also sent to the selected candidates for training from November, 2017 and the same will be informed to the petitioner by way of proceedings.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

6. From the report of the respondents, it is seen that the petitioner has produced the original PSTM certificate, before the first respondent, as directed by this Court. This Court, in its order dated 13.12.2017, held that the respondents have not substantiated their claim that the petitioner has failed to produce the original PSTM certificate. The respondents in the counter affidavit had not stated that the petitioner did not enclose a copy of the PSTM certificate along with application. Their specific case is that the petitioner did not produce the original PSTM certificate for certificate verification. This Court had disbelieved



the said contention and recorded the same in the order dated 13.12.2017 and posted the Writ Petition for further orders. Therefore, it is not open to the respondents to raise the same objections, now, by way of filing report. The petitioner has produced the original PSTM certificate, as per the direction of this Court, dated 13.12.2017 and hence, he is entitled to be appointed as Grade-II Police Constable or Jail Warder or Fireman. Therefore, the respondents are directed to issue appointment order to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order and send the petitioner for training, immediately.

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

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

2. The Chairman,
Recruitment Sub-Committee,
Madurai Centre & Deputy Inspector General of Police,
Madurai Range, Madurai.

+1 CC to M/s.P. BANUPRASATH, Advocate (SR-90759[F] dated 01/10/2019)

+1 CC to M/s.GP (SR-91210[F] dated 03/10/2019)

W.P. (MD) No.17587 of 2017
01.10.2019

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