

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6735 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue Writ, order or direction more in the nature of Mandamus declaring the action of the respondents in not permitting the petitioner Nos.9 to 23 and not treating petitioner Nos.1 to 8 under ST Agency area to participate in the Physical Measurements Test PMT and Physical Efficiency Test PET on the untenable ground that they have not produced the agency area local Scheduled Tribe Certificate as per G.O.Ms.No.24 dated 12.06.2018 even though the petitioners were qualified in the preliminary written test conducted by the respondents pursuant to the recruitment notification issued by the 2nd respondent vide proceedings Rc.No.89/ Rect/ Admn1/ 2018 dated 31.05.2018 and proceedings Rc.No.88 Rect/ Admn 1/ 2018 dated 31.05.2018 for the direct recruitment of Stipendiary cadet trainee SCT Sub-Inspector of police Civil SCT RSIAR SCT RSI SAR CPL SCT RSI TSSP station fire officer deputy jailors and SCT PC Civil men and Women SCT PC AR SCT PC SAR CPL SCT TSSP etc respectively as illegal, arbitrary, abuse of process of law and violation of principles of natural justice and contrary to rules and consequently direct the respondents to permit the petitioner Nos.9 to 23 to participate in the Physical Measurements Test PMT and Physical Efficiency test PET as per the agency area certificates issued by the concerned Tahsildars earlier and treat the petitioner Nos.1 to 8 under ST agency area who participated already in the Physical Measurements Test PMT and Physical Efficiency test PET as per the agency area certificates issued by the concerned Tahsildars earlier”.

Heard Mr.Ramesh Bura, learned counsel for petitioners and learned Government Pleader for Home.

It has been contended by the petitioners that they are all members belonging to Scheduled Tribe community and they are

residing in the agency area. However, the cases of the petitioners are not considered for selection to the post of Sub-Inspector of Police/Constable on the ground that they could not produce agency area local Scheduled Tribe Certificate in terms of G.O.Ms.No.24, dated 12.06.2018.

Learned counsel for petitioners contended that similar issue fell for consideration before this Court in W.P.No.5696 of 2019 and this Court vide order dated 26.03.2019 was pleased to dispose of the said writ petition directing the petitioners therein to give an undertaking that they would produce agency area local Scheduled Tribe Certificate in terms of G.O.Ms.No.24 dated 12.06.2018 within one month from the date of giving undertaking.

Learned Government Pleader appearing for respondents submits that if the petitioners give an undertaking that they would produce agency area local Scheduled Tribe Certificate in terms of G.O.Ms.No.24 dated 12.06.2018 within one month from the date of giving undertaking, the cases of the petitioners will be considered. He also informed that the last date for conducting physical measurement test/physical efficiency test is 29.03.2019 and the cases of the petitioners would be considered if the petitioners give an undertaking before the authorities concerned.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to consider the cases of petitioners for physical efficiency test/physical measurement test on condition of the petitioners giving an undertaking to the respondents that they would produce agency area local Scheduled Tribe Certificate in

terms of G.O.Ms.No.24 dated 12.06.2018 within one month from the date of giving undertaking.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 28-03-2019
Prv

