



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.514 of 2020

and

W.M.P. (MD) No.386 of 2020

M.Anandraj

... Petitioner

vs.

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

2.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondents to issue Hall Ticket and permit the petitioner to participate in written examination scheduled to be held on 12.01.2020 for the recruitment of Sub Inspector of Police (TK, AR, TSP), 2019, by considering the petitioner's representation dated 03.01.2020.

For Petitioner : Mr.K.Balasundaram

For Respondents : Mr.K.Chellapandian,
Additional Advocate General,
Assisted by Mr.R.Sethuraman,
Special Government Pleader.

O R D E R

The petitioner herein, is a departmental candidate, who has applied for the recruitment to the post of Sub Inspector of Police, through the Notification No.2 of 2019, dated 08.03.2019. The petitioner was issued with a 'No Objection Certificate' by the Superintendent of Police, Tirunelveli on 12.04.2019 and thereafter, on 15.04.2019, he had made an online application which came to be registered successfully and the registration was also intimated to



the petitioner through e-mail.

2. According to the learned counsel for the petitioner, he had also made a registration fee through e-payment on 15.04.2019, along with the application and had also received a confirmation with regard to the debit entry in his bank statement. However, owing to certain disruption in the internet, the registration fee was not credited to the respondents and therefore, his application came to be rejected for non-receipt of registration fee.

3. The learned Additional Advocate General appearing on behalf of the respondents, would rely on the guidelines prescribed in the notification No.2 of 2019, with regard to the online payment and stated that the petitioner herein was clearly informed about the payment methods and in case where there is any interruption or disconnection in making payment or if the payment gets cancelled due to unknown reasons, then the candidate is allowed to make payment only after 15 minutes. He would also submit that if the candidate is not able to pay the registration fee through online mode, option of cash payment is also available.

4. By relying on further conditions stipulated in the notification, the learned Additional Advocate General submitted that, mere debit entry in the bank account of the candidate would not mean that the payment is successful. Therefore, there is no infirmity in rejecting the petitioner's candidature.

5. This is a unique case wherein the petitioner cannot be termed to have been careless or negligent while registering himself for the post through online. The petitioner has produced the documents evidencing that his application was duly registered online on 15.04.2019 and the petitioner's bank statement also reveals that on the same day, he had attempted to remit the registration fee of Rs.500/-, which debit entry is also reflected in the petitioner's savings bank account. However, probably owing to the interruption/disruption of the internet, the payment made by the petitioner had not reached the respondent Board.

6. In normal circumstances, this Court would not find any infirmity on the part of the respondents in rejecting the petitioner's application for want of registration fee. But, there are sufficient materials to show the *bonafide* of the petitioner that, he intended to make the application on 15.04.2019, along with the registration fee and that the completion of the transfer process was interrupted due to technical fault in the internet.

7. This Court is inclined to take a sympathetic view and extend the benefit of subjecting the petitioner through the selection process, by invoking its extraordinary powers under Article 226 of the Constitution of India. It is made clear that the present order is being passed only under these peculiar circumstances and this



order should not be quoted as a precedent in any other case.

8. In the light of the above observations, the petitioner is called upon to remit a sum of Rs.500/- by way of bank challan or demand draft, to be drawn in favour of any one of the respondent and on receipt of the same, the second respondent shall permit the petitioner to participate in the further selection process, if he is otherwise qualified, without reference to the non-payment of the registration fee on 15.04.2019. The writ petition, thus stands allowed. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.386 of 2020 is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

2.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
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Chennai-600 008.

+1 CC to M/s.K.BALASUNDARAM, Advocate (SR-1527[F] dated
10/01/2020)

Order made in
W.P. (MD) No.514 of 2020
Dated: 10.01.2020

JMN(10.01.2020) 3P : 4C