



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.2857 of 2020 and
WMP (MD) Nos.2425 & 2427 of 2020

M.Palanikumar

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,
Tamil Nadu Uniformed Services Recruitment Board,
Recruitment Sub-Committee,
Ramanathapuram Centre,
Ramanathapuram.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in the petitioner's user ID in USRB228318 passed by the first respondent and quash the same as illegal and consequently direct the respondents to allow the petitioner to participate in the further selection process for the post of Grade II constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2019.

For Petitioner: Mr.R.Venkatesan

For Respondents: Mr.Chellapandian
Additional Advocate General
Assisted By Mr.K.Mu.Muthu
Government Pleader

O R D E R

This Writ Petition is filed to quash the impugned order in the petitioner's user ID and to direct the respondents to allow the petitioner to participate in the further selection process to be held by the Tamil Nadu Uniformed Services Recruitment Board 2019.



2. The learned Additional Advocate General, assisted by the learned Government Advocate takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he has applied for the post of Grade II Constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2019. After qualified in written examination as well as the physical test and during the process of certificate verification, the petitioner has produced only the xerox copy of 10th certificate. Thereafter, as per the first respondent's instruction, he has produced the certified copy of 10th certificate within 10 days to the first respondent. But, without considering the same, he was disqualified from the selection and the impugned order came to be passed. Challenging the same, the petitioner has come up with this present Writ Petition.

4. The learned counsel for the petitioner submitted that though the petitioner has submitted the certified copy of 10th certificate as instructed by the first respondent, subsequent to the process of certificate verification, he was disqualified. Further, the learned counsel relied upon the judgment of our Honourable Apex Court in **(2005) 9 Supreme Court Cases 779 (Dolly Chhanda Vs Chairman, Jee and others)** and as well as the order of this Court in W.P(MD)No.18200 of 2017, dated 18.07.2017 **(G.Gnanavel Vs. The Director General of Police and others)**.

5. The learned Additional Advocate General assisted by the Government Pleader submitted that Clause 17 of Information Brochure annexed with the notification of Tamil Nadu Uniformed Services Recruitment Board clearly explains about the importance of verification of original certificates. Further it is stated that since the original 10th certificate has not been produced by the petitioner at the time of certificate verification, he was disqualified. Hence, no interference is required.

6. The issue involved in this writ petition is covered by the Judgment of our Honourable Apex Court in **(2005) 9 Supreme Court Cases 779 (Dolly Chhanda Vs Chairman, Jee and others)** and the same has been followed in the order of this Court in W.P(MD)No.18200 of 2017, dated 18.07.2017 **(G.Gnanavel Vs. The Director General of Police and others)**, wherein it has been held as follows:

7. The fact is not disputed by the learned Senior counsel that, the candidates, who had secured 48 marks were selected. The Writ petitioner has secured 49 marks, which is higher than the cut off marks of 48. Thus, the Writ petitioner has secured higher marks than that of the selected candidate.

On these facts, this Court has to consider the



7. The above facts are applicable to the present case on hand. Hence, following the same, the respondents are hereby directed to reconsider the issue and pass fresh orders, in accordance with law.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

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,
Tamil Nadu Uniformed Services Recruitment Board,
Recruitment Sub-Committee,
Ramanathapuram Centre,
Ramanathapuram.

+1 CC to M/s.SPL.GP (SR-12481[F] dated 19/03/2020)

+1 CC to M/s.R.VENKATESAN, Advocate (SR-12537[F] dated 19/03/2020)

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NR (10.07.2020) 4P 5C