



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.5979 of 2020

and

WMP (MD)No.5178 of 2020

WEB COPY

Kanagaraj

... Petitioner

Vs.

The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Chennai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to publish the result of the petitioner's written test bearing enrollment number 3015307 so as to include him in the list for the physical test in connection with the Direct Recruitment for the posts of Sub-Inspector of Police (Taluk, Armed Reserve (Men and Women / Transgender) and Tamilnadu Special Polie (Men) - 2019.

For Petitioner	: Mr.R.Venkateswaran
For Respondent	: Mr.K.Chellapandian
	Additional Advocate General
	assisted by
	Mr.K.Mu.Muthu
	Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioner to direct the respondent to publish the result of the petitioner's written test bearing enrollment number 3015307 so as to include him in the list for the physical test in connection with the Direct Recruitment for the posts of Sub-Inspector of Police (Taluk, Armed Reserve (Men and Women / Transgender) and Tamilnadu Special Polie (Men) - 2019.

2.By consent of both the parties, the writ petition is taken up for final disposal.

3.The case of the petitioner is that on 08.03.2019, the respondent issued notification for the Direct Recruitment for the posts of Sub-Inspector of Police (Taluk, Armed Reserve (Men and Women / Transgender) and Tamilnadu Special Police (Men) -2019. The last date for submitting the application through online was 19.04.2019.The selection process contains the written test followed by physical test, certificate verification, medical test and police verification roll and thereafter only training scheduled will be issued. The petitioner submitted his application through online on 17.04.2019 and the same was accepted by the respondent and the

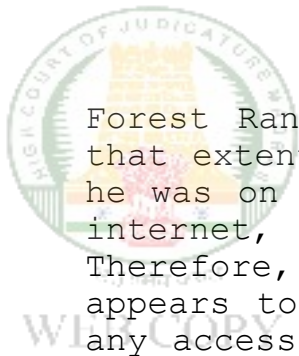


petitioner was issued with the Hall ticket bearing enrollment number 3015307 for the written examination held on 12.01.2020 and the petitioner also attended the same.

4.It is the further case of the petitioner that he was serving in the Tamilnadu Forest Department as Forest Guard at Mudumalai Tiger Reserve for one year. His nature of work is field work and patrolling inside the forest by walk from Monday morning to Sunday evening and there is no cell phone tower signal available in the forest and the communication was only through walkie talkie.

5.At this juncture, on 19.02.2020, the respondent had sent a message to the petitioner's phone stating that the petitioner had not uploaded fully and partially uploaded the requisite certificates. However, the respondent had allowed him to write the written examination based on the particulars given in the online application. Thereafter, the petitioner was instructed to send SSLC, HSC and Degree certificates on or before 21.02.2020, failing which, his candidature will not be considered for the further process of selection. The petitioner would state that on 19.02.2020 (Wednesday), he was on duty inside the said forest where there is no cell phone tower signal available and he used to come out from the forest only on Sunday evening. In that circumstances, the petitioner could not receive the message and respond to the respondent in time, whereas after seeing the message, immediately on Monday morning i.e. on 24.02.2020 the petitioner sent the required documents through online and also sent an explanation letter through online. Thereafter, on 25.02.2020, the petitioner sent the said explanation letter to the respondent through registered post and also physically appeared before the respondent on 26.02.2020 and explained the said circumstances. But his enrollment number was not found in the written test result published on 16.03.2020, though the petitioner had passed with marks more than the cut off mark fixed for Backward Class Community. Hence, the petitioner has filed the present writ petition for the relief stated therein.

6.On the other hand, Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondent would submit that on perusal of the *bona fide* certificate issued by the Forest Range Officer, it appears that the petitioner was on duty on 19.02.2020 to 21.02.2020 whereas in the present case, the petitioner has uploaded the document only on 24th February, 2020 and he has sent mail on the same day, with a delay of three days. Therefore, he submitted that the respondent may be directed to produce his duty register and also the certificate obtained from the Forest Range Officer with regard to his allocation of duty. Accordingly, the respondent filed the *bona fide* certificate issued by the Forest Range Officer dated 19.10.2020 along with the attendance register for the month of February, 2020. On perusal of the attendance register, which was signed by the Forest Range Officer, it appears that the petitioner was on duty continuously from 01.02.2020 to 25.02.2020 and the



Forest Range Officer has also issued the *bona fide* certificate to that extent. Therefore, it appears that during the relevant period, he was on duty and he had no opportunity to have any access to the internet, since he was on duty at Mudumalai Tiger Reserve. Therefore, it appears that the reasons stated by the petitioner appears to be genuine and due to his duty he was not able to have any access to the internet and that is the reason for the delay in uploading the relevant document to the respondent.

7.The petitioner also served a copy of the duty register to the learned Additional Advocate General. Therefore, the learned Additional Advocate General fairly submitted that based on his duty register and the submission made by the petitioner, orders may be passed on merits and in accordance with law.

8.Upon perusal of the duty register and better affidavit filed by the petitioner, it appears that he was on duty during relevant point of time that is from 19.02.2020 to 21.02.2020 that was the reason why he was not able to upload the documents. In this regard, he has also given an explanation letter dated 24.02.2020 along with the relevant documents. Therefore, this Court is of the view that the respondent shall consider the explanation of the petitioner dated 24.02.2020 along with the certificate issued by the Forest Range Officer dated 19.10.2020 along with the attendance register for the month of February, 2020 and pass orders on merits and in accordance with law. The respondent is also directed to publish the result of the petitioner's written test bearing enrollment number 3015307 so as to include him in the list for the physical test in connection with the Direct Recruitment for the posts of Sub-Inspector of Police (Taluk, Armed Reserve (Men and Women / Transgender) and Tamilnadu Special Polie (Men) - 2019.

9.The Writ Petition is allowed as prayed for. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

The Member Secretary,
Tamilnadu Uniformed Services Recruitment
Chennai.

Board,

W.P. (MD) No.5979 of 2020
05.11.2020

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KG (CO)

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