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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.4112 of 2020
(Through Video Conferencing)

S.Manikandan

...Petitioner

Vs

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Home (Police-III) Department,
Secretariat, Chennai - 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
3. The Inspector General of Police/Member Secretary,
TNUSRB, Old Commissioner of Police Office Complex,
Pantheon Road, Chennai - 600 008. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to include the name of the petitioner bearing Enrollment No.0306683 in the Provisional Selection List for the post of Grade-II PC (AR & TSP), Jail Warder and Fireman, 2019 dated 04.02.2020 vide RC.No.850/R2/TNUSRB/2019 issued by the third respondent at the appropriate place under the appropriate category by treating the submission of original Certified Copy of Marks (CCM) issued by the Secretary, State Board of School Education, Tamil Nadu by the Petitioner as valid compliance for the above purpose.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

The petitioner had completed 10th standard and obtained Secondary School Leaving Certificate (SSLC), the original of which was lost by the petitioner. The petitioner participated in the competitive examinations conducted by the third respondent Tamil Nadu Uniformed Services Recruitment Board (TNUSRB) during 2019 by uploading a photo copy of the Lost SSLC Certificate. After qualifying in the written examinations and the physical endurance test, the petitioner was called for an interview on 20.11.2019. On that day the petitioner was also called upon to furnish certified copy of the mark sheet uploaded by the petitioner along with the application.

2. It is the case of the petitioner that on 22.11.2019, the petitioner also furnished the certified copy of the mark sheet as per the procedure that is being followed in the case of lost mark sheet i.e., by obtaining a certificate from Tahsildar and thereafter obtain a Certified Copy of the Mark sheet from the Secretary to the Education Department.

3. It is further case of the petitioner that though the petitioner had submitted the Certified Copy of the Mark sheet on 22.11.2019, the respondents did not declare the name of the petitioner among the candidates who were declared as selected provisionally on 04.02.2020. Later from the website of the third respondent, the petitioner came to know that he was disqualified. It is under these circumstances, the present writ petition has been filed for a mandamus to include the name of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner belongs to MBC and had secured 73 marks whereas the cut off marks for MBC candidates was 69 marks. Therefore, the petitioner was qualified to be appointed as a Police Constable Grade-II in terms of the recruitment notification.

5. Defending the stand of the respondents, the learned Government Advocate for the respondents submits that the notification calling for application is very categorical. It is submitted that the notification clearly stipulates that the documents uploaded is to be produced at the time of physical verification and since there was a difference between the photo copy of the original mark sheet dated 27.05.2011 uploaded by the petitioner at the time of filing of the application and the Certified Copy of the Mark sheet produced on 22.11.2019, the petitioner was not entitled to be selected.

6. The learned Government Advocate for the respondents further submits that pursuant to the aforesaid provisional



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selection, appointment orders also have been issued to the candidates who have declared successful on 04.02.2020 and have been deployed to service of the TNUSRB. The learned Government Advocate for the respondents therefore submits that the petitioner can write examinations in the succeeding competitive examinations and qualifying himself.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. I have perused the impugned notification obtained by the petitioner from the website of the third respondent TNUSRB.

8. The petitioner appears to have obtained 73 marks and was otherwise meritorious to be appointed as Police Constable Grade-II as the cut off marks for the candidates belonging to MBC was only 69 marks.

9. The only problem that has arisen in this case is the petitioner appears to have lost Secondary School Leaving Certificate (SSLC) which was uploaded by him at the time of filing of application pursuant to the Notification No.1 of 2019 calling for 8889 vacancies to the post of Police Constable Grade-II on 06.03.2019.

10. The petitioner has also filed documents to substantiate that the petitioner had filed complaint regarding lost certificates with the police on 12.03.2019. The certificate filed by the petitioner which was uploaded along with the application and the certified copy of the marks obtained by the petitioner subsequently refer to the same Registration No.1821439.

11. The marks given in the said original certified copy of which was uploaded and the certified copy of the marks obtained by the petitioner subsequently are the same. Considering the fact that the petitioner was otherwise qualified, there is no justification in not appointing the petitioner merely on the ground that the photo copy of the original mark sheet uploaded along with the application was not produced at the time of physical verification or that the certified copy of the marks produced by the petitioner before the respondents on 22.11.2019 was not uploaded along with the application pursuant to Notification No.1 of 2019 dated 06.03.2019. The petitioner is entitled for being appointed unless both the certificate are themselves false. However, this is not the case of the respondents.

12. Therefore, the respondents are directed to accommodate the petitioner as a Police Constable Grade-II in the unfilled vacancy or in the ensuing Recruitment process which is taking



place by creating a special vacancy without disturbing the chances of other successful applicants in the current recruitment. The petitioner shall be placed in the first place in seniority if the petitioner is recruited in the ensuing vacancy. If the petitioner is absorbed in the same batch as his batchmates, he shall be placed in the appropriate seniority.

13. This exercise shall be carried out by the respondents within a period of two weeks from the date of receipt of a copy of this order. In any event, before the results are announced for recruiting the persons who have appeared in the recruitment announced for the year 2021.

14. This Writ Petition stands allowed with the above observations. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Home (Police-III) Department,
Secretariat, Chennai - 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
3. The Inspector General of Police/Member Secretary,
TNUSRB, Old Commissioner of Police Officer Complex,
Pantheon Road, Chennai - 600 008.

+1cc to M/s.K.Ravi Anantha Padmanaban, Advocate, S.R.No.43611/21

W.P.No.4112 of 2020

RLD(CO)
RGA(24/09/2021)