

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.03.2021
CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7706 of 2021 and
WMP No.8248 of 2021

A.Mohan Raj

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Home, Prohibition & Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road,
Egmore, Chennai - 600 008.
3. The Member Secretary,
Tamil Nadu Uniformed services Recruitment Board,
Pantheon Road,
Egmore, Chennai - 600 008.
4. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to accept petitioner's PSTM Certificate No.DDE.SCGRC/6633/2019-2020, dated 28.01.2020 and to consider the claim of the petitioner for appointment under PSTM quota.

For Petitioner : Mr.T.K.Saravanan

For Respondents: Ms.P.V.Rajeswari
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents to accept petitioner's PSTM Certificate No.DDE.SCGRC/6633/2019-2020, dated 28.01.2020 and to consider the claim of the petitioner for appointment under PSTM quota.

2. Mr.P.V.Rajeswari, learned Additional Government Pleader

takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The brief facts of the case are that while the petitioner was applying for the post of Sub-Inspector of Police, called for by the Tamil Nadu Uniformed Services Recruitment Board, Chennai vide a Notification No.2/2019, dated 08.03.2019, the petitioner has uploaded the required Certificates along with the provisional certificate of UG Degree. However, as he did not get B.A. Degree Certificate and PSTM Certificate at the time of applying for the said post, he submitted the same on 13.09.2019 and 28.01.2020 respectively when he attended the physical test. But, the 3rd respondent refused to accept the PSTM Certificate. Hence, the petitioner has come forward with the present Writ petition with the aforesaid prayer.

5. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 04.01.2021 to accept the PSTM Certificate for his appointment. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the 2nd respondent on merits.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 2nd respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 2nd respondent herein to consider the representation preferred by the petitioner dated 04.01.2021, if there are no legal impediments, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 04.01.2021 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
(Home, Prohibition & Excise Department,
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4. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

+cc to Govt Pleader, Sr.No.19347

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JPII(CO)
baf 10/05/2021



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