



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P(MD) No.10803 of 2020 and
W.M.P(MD)No.9503 of 2020

M.Palanikumar

.. Petitioner

Vs

The Inspector General of Police/

Member Secretary,

Tamil Nadu Uniformed Services Recruitment Board,

Old Commissioner Office campus,

Egmore, Chennai - 600 008.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned order passed by the respondent in C.No.D2/1977/2020, dated 13.08.2020 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 Recruitment Board 2019.

For Petitioner

: Mr.R.Venkatesan

For Respondent

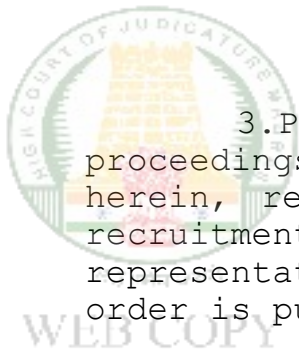
: Mr.K.Chellapandian,

Additional Advocate General

ORDER

The petitioner herein had participated in the selection process of Common Recruitment for the the post of Gr-II Police Constable, Grade-II Jail Warder and Firemen, 2019 conducted by the Tamil Nadu Uniformed Services Recruitment Board, Chennai. During the process of certificate verification, he had produced a photo copy of the 10th standard marks statement, which resulted in disqualifying the petitioner, on the ground that the original 10th standard marks statement was not produced.

2.Challenging the said disqualification, the petitioner herein had earlier filed a writ petition in W.P(MD)No.2857 of 2020 and this Court had taken consideration of the decision of the Hon'ble Supreme Court in ***Dolly Chhanda Vs Chairman, Jee and Others***, reported in **(2005) 9 SCC 779**, which was also followed in a writ petition of this Court in W.P(MD)No.18200 of 2017, dated 18.07.2017 ***(G.Ganavel Vs. The Director General of Police and Others)*** and directed the respondents therein to reconsider the issue.



3. Pursuant to the orders of this Court, the present impugned proceedings, dated 13.08.2020 has been passed by the respondent herein, rejecting the petitioner's claim, on the ground that the recruitment process had already been completed and therefore, the representation of the petitioner cannot be considered. The said order is put under challenge in the present writ petition.

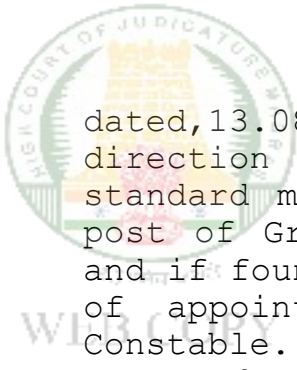
4. When the petitioner's candidature was rejected and challenged before this Court, the reason for which, the respondents therein were directed to reconsider the issue was, because of the dictum laid down by the Hon'ble Supreme Court in **Dolly Chhanda's** case (supra), in which the Hon'ble Supreme Court held that the submission of documents for the purpose of holding it as a proof of a particular qualification or percentage of marks secured or entitlement to benefit or reservation, should not be applied as a rigid principle and every infirmity of such recruitment need not necessarily result in rejection of the candidate. This Court had directed the respondents therein, to reconsider the petitioner's issue, in view of such findings and it expected the respondents to reconsider the petitioner's candidature by verifying his 10th standard marks statement. On the other hand, the respondents have not even attempted to exercise such an option, but had simply rejected the petitioner's claim on the ground that the selection process had already been completed.

5. Mr. K. Chellapandian, the learned Additional Advocate General placed reliance on the averments in the counter affidavit and submitted that the instructions to the candidates mandated that non-production of the original documents at the time of verification automatically would result in rejection of their candidatures and therefore, there was no infirmity in the said rejection. He would also submit that the provisional selection list had also been published on 04.02.2020, the selected candidates have also completed their training and also joined duty.

6. Such a stand of the learned Additional Advocate General may not be relevant in the instant case, where the petitioner challenges the order of the respondent, which clearly disregards, the purpose for which, the respondents were required to reconsider the issue. It would have been appreciable, had the respondent herein considered the possibility of verifying the original 10th marks statement of the petitioner and explored the feasibility of accommodating the petitioner, in case, he is otherwise qualified in the selection process.

7. However, the impugned rejection order reveals that the respondent was determined to reject the petitioner's claim on the ground that the selection process had already been completed, which is not appreciable.

8. In the light of aforesaid reasons, the impugned order



dated,13.08.2020 is hereby quashed. Consequently, there shall be a direction to the respondent herein to verify the petitioner's 10th standard marks statement, for the purpose of the selection to the post of Gr-II Police Constable, Grade-II Jail Warder and Firemen and if found suitable in all respects, shall explore the feasibility of appointing the petitioner to the post of Grade-II Police Constable.

9.The aforesaid directions shall be complied with at least within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To

The Inspector General of Police/
Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner office campus,
Egmore,
Chennai - 600 008.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-3596[F] dated 05/02/2021)

W.P(MD) No.10803 of 2020

03.02.2021

ES (CO)

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