



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

**W.P.(MD)No.11079 of 2020
and W.M.P.(MD) No.9712 of 2020
(Through Video Conference)**

M.Nallan

... Petitioner

Vs

The Inspector General of
Police/Member Secretary,
Tamil Nadu Uniformed
Services Recruitment Board,
Old Commissioner Office Campus,
Egmore, Chennai 600 008

... Respondent

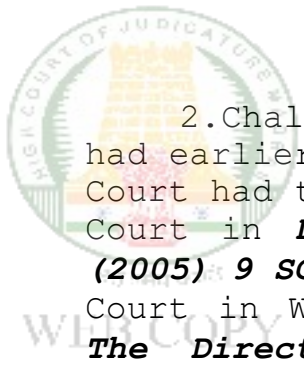
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in C.No.D2/1978/2020 dated 24.08.2020 and quash the same as illegal and consequently direct the respondents 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 Services Recruitment Board 2019.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.K.Chellapandian,
Additional Advocate General

O R D E R

The petitioner herein had participated in the selection process of Common Recruitment for the the post of Gr-II Police Constable, Grade-II Jail Warders and Firemen, conducted by the Tamil Nadu Uniformed Services Recruitment Board 2019, Chennai. During the process of certificate verification, he had produced the community certificate, which resulted in disqualifying the petitioner, on the ground that there were deviations found with respect to the petitioner's name and his father's name in the community certificate produced by the petitioner.



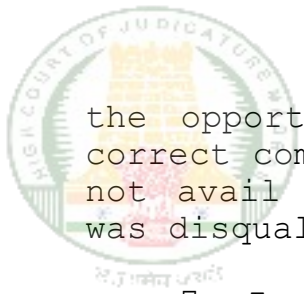
2. Challenging the said disqualification, the petitioner herein had earlier filed a writ petition in W.P(MD)No.2852 of 2020 and this Court had taken consideration of the decision of the Hon'ble Supreme Court in ***Dolly Chhanda Vs Chairman, Jee and Others***, reported in ***(2005) 9 SCC 779***, which 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 24.08.2020 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. The petitioner herein, after having been provisionally selected to the post of Grade-II Police Constable, had submitted his Community Certificate evidencing that, he belongs to Scheduled Caste-Arunthathiar- SC(A) Community. The petitioner's height measurement was ascertained at 167 cms. Since the minimum height requirement for SC(A) community was 167 cm, he aspired to be considered under SC(A) Community.

5. During the course of certificate verification, the Board had raised a doubt with regard to the petitioner's Community Certificate wherein, his father's name was shown a Mariappan and not as Nallan. Likewise, the petitioner's name in the application was referred to as Chinna Nalan and not as M.Nallan. On 31.08.2019, the Board had sent a mail to the petitioner for producing his proper community certificate. Since the petitioner did not respond in time, he was considered under OC Category, for which the minimum height requirement was 170 cms. Again on 07.11.2018, the Board had extended one more indulgence to the petitioner by permitting his request for considering him under SC(A) category and subjected him to Physical Measurement Test and Endurance Test. Even at this point of time, the petitioner had not produced the proper community certificate. It is in these circumstances that the respondents had considered the petitioner's candidature under OC Category and disqualified him.

6. The learned counsel for the petitioner submitted that he had obtained the Community Certificate on 08.11.2019, after having his name and his father's name amended correctly. However, as per his affidavit, he had produced the amended certificate on 06.12.2019 and he had gone to the first respondent office and produced all the records. When the petitioner had earlier challenged this disqualification before this Court in W.P.(MD) No.2852 of 2020, this Court by its order dated 18.03.2020 had directed the Board to reconsider the petitioner's candidature. Pursuant to the orders, the respondents had narrated all the aforesaid facts and had recorded



the opportunities given to the petitioner for production of the correct community certificate, which opportunity, the petitioner did not avail of. In such consideration, the petitioner's candidature was disqualified.

7. I am of the view that the respondents had reconsidered the petitioner's issue once again in consonance with the order of this Court passed in W.P.(MD) No.2852 of 2020. I do not find any infirmity in the rejection of the petitioner's candidature since ample opportunities were extended to him to produce the corrected community certificate and the petitioner did not avail them. As such, no interference is required to the impugned order.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.9712 of 2020 is closed.

Sd/
Assistant Registrar(T&P)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

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 Inspector General of
Police/Member Secretary,
Tamil Nadu Uniformed
Services Recruitment Board,
Old Commissioner Office Campus,
Egmore, Chennai 600 008

+1 CC to Mr.R.VENKATESAN, Advocate (SR-3599[F] dated 05/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER SR-3634[F] dated 05/02/2021

W.P. (MD)No.11079 of 2020
Dated:03.02.2021

STS
PK/16.03.2021 : 3P/4C