



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14393 of 2019

WEB COPY

R.Rajendran

...Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-6.

2.The Chief Educational Officer,
Tallakulam, Madurai-2.

3.The District Educational Officer,
Usilampatty.

4.The Head Master,
Government High School,
T.Ramanathapuram,
Madurai District.

5.The Director,
Directorate of Vigilance and Anti Corruption,
No.293, M.K.N.Road, Alandur, Chennai-16.

6.The Army Recruitment Officer,
Army Recruitment Office,
Coimbatore

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned order in D/2217/Desp dated 10.05.2019 passed by the sixth respondent and quash the same and consequently to direct the sixth respondent to dispatch the petitioner's son R.Thavasi for training in the Indian Army as per the select list dated 28.11.2017 instead of participating in the forthcoming rally.

For Petitioner : Mr.S.Govindan

For R-1 to R-5 : Mr.N.Shanmugaselvam
Additional Government Pleader

For R-6 : Mr.P.Subbiah
Central Government Standing Counsel



O R D E R

In the recruitment process of the petitioner's son for the post of Soldier (Tradesman) held on 05.10.2016 by the sixth respondent herein, a doubt was raised with regard to the genuinity of his eighth standard school mark sheet for the year 2008-2009. When the petitioner had approached this Court with a claim that there was no manipulation of the eighth standard records, he had relied on documents to show that he had completed eighth standard and also promoted to ninth standard. This Court, in its order dated 05.03.2019 in W.P(MD) No.22764 of 2018, held that the petitioner's son Thavasi was not at fault and therefore, directed the sixth respondent herein to take a sympathetic consideration.

2.Pursuant to the order of this Court, the sixth respondent, through the impugned order dated 10.05.2019, held that the petitioner's case was sympathetically considered and that no criminal charges will be pursued _ against the petitioner's son. It is also observed in the impugned order that the petitioner's son is extended a fresh opportunity to participate in the forthcoming rally and join Indian Army as per eligibility conditions.

3.The learned Standing counsel for the sixth respondent submitted that the recruitment process was over in the year 2016 itself and that it would not be feasible for them to recruit the petitioner for 2016 recruitment notification.

4.This Court does not find any infirmity in such a submission. Moreover, the impugned order itself is in favour of the petitioner's son, since the sixth respondent has permitted the petitioner's son to participate in the forthcoming rally. It is made clear that in case, the petitioner's son is eligible to participate in the forthcoming rally, his educational qualification will not be quoted as an impediment.

5.With the above observations, this Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



NOTE :

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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

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+1 CC to SGP (SR-2896[F] dated 02/02/2021)

+1 CC to Mr.P.SUBBIAH, Advocate (SR-2708[F] dated 02/02/2021)

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KM (23.02.2021) 3P 8C