



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.17452 of 2020

1.S.Kannan
2.B.Marimuthu

... Petitioners

Vs.

1.The Director General
CRPF (Recruitment Branch)
East Block - 07 Level - 4 Sector - 01
R.K.Puram,
New Delhi - 110 066.

2.The Director,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi - 110 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permit the petitioners to participate in the Recruitment process based on the Call letter to the post of Rifle Man in Constable (GD) in CAPFs, NIA, SSF and RIFLEMAN (GD) in Assam Rifles Examination, 2018 and to complete the Recruitment process within the stipulated time.

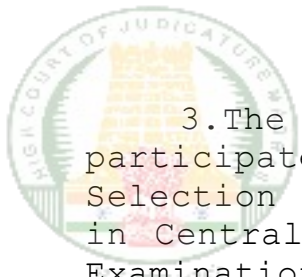
For Petitioners : Mr.C.Prabakaran

For Respondents : Mrs.L.Victoria Gowri
Assistant Solicitor General of India

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to permit the petitioners to participate in the Recruitment process based on the Call letter to the post of Rifle Man in Constable (GD) in CAPFs, NIA, SSF and RIFLEMAN (GD) in Assam Rifles Examination, 2018 and to complete the Recruitment process within the stipulated time.

2.This writ petition has already been dismissed as against the second petitioner, by this Court, on 23.03.2021.



3.The first petitioner herein namely Mr.S.Kannan, had participated in the selection process conducted by the Staff Selection Commission for the post of Rifle Man in Constable (GD) in Central Armed Police Force and RIFLEMAN (GD) in Assam Rifles Examination, 2018 and has scored 50.37883 marks in the computer based examination as against the cut off mark of 43.28294. He was also subjected to the Review Medical Examination. Since there was no further communication from the respondents, the present writ petition has been filed.

4.In the counter affidavit filed by the respondents, it is stated that the candidature of the first petitioner herein was rejected on account of Medical unfitness, on 11.02.2020. However, it is admitted that the first petitioner herein had obtained the Medical Fitness Certificate from the Civil Government Hospital, on 03.03.2020 and submitted before their office, on 07.03.2020.

5.The reason assigned for non consideration of the Medical Fitness Certificate issued by the Civil Government Hospital is that there is a shortage of staff in the Staff Selection Commission and owing to the number of appeals, representations, RTI queries relating to the recruitment, the original rejection by the Review Medical Examination could not be communicated to the candidates. The counter affidavit further states that the Medical Fitness Certificate, dated 03.03.2020 issued by the Civil Government Hospital was received by them only, on 07.03.2020 and hence, it was summarily rejected.

6.I am not in agreement with the reason assigned by the respondents in such a summarary rejection. The Staff Selection Commission is an exclusive body formed to deal with the voluminous task of selection process and there is a duty cast on them to handle such volume of work. Quoting the shortage of staff and the heavy work load involved as an excuse for not intimating the candidate about the rejection of the Medical Fitness Certificate supplied to them is unacceptable.

7.The respondents have not denied the validity of the Fitness Certificate obtained from Civil Government Hospital. Consequently, this Court is inclined to accept the Medical Fitness Certificate supplied by the first petitioner. Accordingly, the rejection of the first petitioner's candidature cannot be sustained.

8.In the result, the respondents herein are directed to subject the first petitioner herein, namely Mr.S.Kannan to the further Selection process, without reference to the reason that the first petitioner is medically unfit.



9. Accordingly, this writ petition stands allowed in respect of the first petitioner. No costs.

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Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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

1. The Director General
CRPF (Recruitment Branch)
East Block - 07 Level - 4 Sector - 01
R.K.Puram,
New Delhi - 110 066.

2. The Director,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi - 110 003.

Order made in
W.P. (MD) No.17452 of 2020
01.04.2021

KM(26.05.2021) 3P 3C