

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.18967 of 2014

and

M.P.No.1 of 2014

Silambarasan

...Petitioner

Vs.

1. Chairman, Staff Selection Commission (NR)
Block No.12, C.G.O.
Complex, Lodi Road,
New Delhi.

2. The Director General
HQ Directorate General of Assam Rifles,
Shillong, Assam.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to treat the petitioner as selected for appointment to the post of Constable in the Recruitment of Constables, GD in CAPFs and Rifleman (GD) in Assam Rifles, 2013 and further directing the respondents to appoint the petitioner as Constable with effect from the date the selected candidates in the revised select list were appointed with all consequential service benefits.

For Petitioner : M/s.D.Asenthamani

For Respondents : Mr.A.Kumara Guru
Central Government Panel Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the respondents to treat the petitioner as selected for appointment to the post of Constable in the Recruitment of Constables, GD in CAPFs and Rifleman (GD) in Assam Rifles, 2013 and further directing the respondents to appoint the petitioner as Constable with effect from the date the selected candidates in the revised select list were appointed with all consequential

service benefits.

2.The writ petitioner had participated in the selection for appointment to the post of Constable in CAPF and Rifleman (GD) in Assam Rifles. The petitioner was successful in the selection and he was permitted to participate in the process of Medical Examination. The petitioner produced his certificates including the OBC certificate. The authorities found that the OBC certificate was outdated and cannot be considered for the purpose of selection. Accordingly, the candidature of the writ petitioner was rejected during the relevant point of time in the year 2014.

3.The learned Senior Standing Counsel appearing on behalf of the respondents made a submission that the petitioner has not produced the valid OBC certificate for the purpose of considering his name for selection to the post of Constable in CAPF and Rifleman (GD) in Assam Rifles. The OBC certificate as per the Notification, ought to have been issued by the competent authority in between 12.01.2010 and 11.01.2013. Thus, any OBC certificate obtained prior to the said date cannot be considered as valid for the purpose of selection to the post of Constable. However, the writ petitioner has submitted the certificate, which was issued beyond the prescribed period i.e., on 31.01.2014.

4.In view of the fact that the OBC certificate produced by the petitioner was not in accordance with the terms and conditions of the recruitment notification, his candidature was rejected by the Competent Authority and therefore, there is no infirmity.

5.Even under the Unreserved category, the petitioner is found not eligible. The facts in this regard are narrated in paragraph 2 of the counter affidavit filed by the respondents and the same reads as under:

"2. I deny the allegations raised in para 5 of the affidavit and state that at the time of Detailed Medical Examination (DME) held on 15.01.2014, the Petitioner had submitted an OBC Certificate dated 05.01.2005, which was not within the validity period as prescribed in the Notice of Recruitment. However, he was allowed to undergo the DME subject to the condition that he should submit a valid OBC certificate within 7 days. In other words, he was given an opportunity to submit OBC Certificate obtained within the 3 years period prior to closing date of 11.01.2013 i.e., from the period from 12.01.2010 to 11.01.2013 or the last date of DME i.e., 28.01.2014. But, he submitted an OBC Certificate dated 31.01.2014 at the time of Review Medical Examination held on 05.03.2014.

Both the OBC Certificate issued on 05.01.2005 & 31.01.2014 were invalid as the same were issued beyond the cut-off date."

6.Regarding the cut off-date for accepting the OBC certificate the provisions of the for Recruitment Notice under paragraph 4(C) is also stated under:

"Candidates who wish to be considered against vacancies reserved/ or seek age-relaxation must submit requisite certificate from the competent authority, in the prescribed format when such certificates are sought by concerned Regional/ Sub Regional Offices and when decided by the Commission. Otherwise, their claim for SC/ST/OBC/ExS status will not be entertained and their candidature / applications will be considered under General (UR) category. The formats of the certificates are annexed. Certificates obtained in any other format will not be accepted. Candidates claiming OBC status may note that certificate on creamy layer status should have been obtained within three years before the closing date i.e. 11.01.2013. The Commission has decided to accept OBC certificate, in the prescribed format issued after 11.01.2013 but before the date of their medical examination, as valid proof of belonging to OBC''

7.In view of the facts and circumstances, the petitioner has not established any acceptable ground for the purpose of granting the relief and consequently, the Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Kak

To

1. The Chairman,
Staff Selection Commission (NR)
Block No.12, C.G.O.
Complex, Lodi Road,
New Delhi.

2. The Director General
HQ Directorate General of Assam Rifles,
Shillong, Assam.

+1cc to Mr.A.Kumaraguru, Advocate, S.R.No.37536

W.P.No.18967 of 2014

PL(CO)
RGA(11/07/2022)