



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7130 of 2020

and

W.M.P(MD)No.6570 of 2020

S.Mariappan

Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
P T Lee Chengalarajaya Naicker Building,
No.807, 2nd Floor Anna Salai,
Chennai - 600 002.

2.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
P T Lee Chengalarajaya Naicker Building,
No.807, 2nd Floor Anna Salai,
Chennai - 600 002.

3.The Superintendent of Police,
Tirunelveli District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to release the petitioner's result of the recruitment for the post of Sub-Inspector of Police of Tamil Nadu Police Department of his Enrolment No.3050327 and consequently, to allow him to participate in the subsequent activities.

For Petitioner

: Mr.G.Karthik
for Mr.N.Ganagasapapathy

For Respondents

: Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.S.Saji Bino,
Special Government Pleader



O R D E R

The petitioner is working in Armed Reserve of Tirunelveli City as Grade I Police. Pursuant to the notification issued by the first respondent dated 08.03.2019, calling for applications for the post of Sub-Inspector of Police (TK, AR, TSP), 2019, the petitioner has applied for the same, under the Departmental Candidates quota. He appeared for the written examination held on 13.01.2020, but, the results of his written examination were not published. Hence, he has filed this writ petition.

2.Learned Additional Advocate General appearing for the respondents submitted that the petitioner, who applied under the 20% Departmental Candidates quota, has to obtain a No Objection Certificate from the competent authority and upload the same, while applying the online application. But he has uploaded a NOC certificate, without any signature. The relevant portion from the information brochure on the eligibility of department quota is extracted as under:

"16.ELIGIBILITY FOR APPLYING UNDER 20% DEPARTMENTAL QUOTA:

(i)

h.The departmental candidates should obtain a NOC in the prescribed format from the Head of Unit / Office / competent authority and it should be uploaded while applying online application. (Specimen NOC is available in Annexure VI)."

3.That apart, as per G.O.Ms.No.65, Personnel and Administrative Reforms (S) Department, dated 02.07.2014, the candidate should have obtained a bachelor's degree, after the completion of SSLC and HSC. The same has been clearly mentioned in paragraph no.6(ii) of the Information Brochure as follows:

"6.EDUCATIONAL QUALIFICATION

... ..

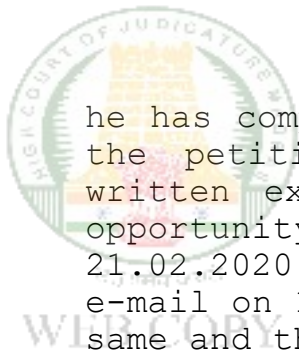
ii.The Bachelor's Degree should have been obtained in the following pattern:-

a) After completion of SSLC and Higher Secondary course in the order of 10+2+3 pattern; or

b) After completion of SSLC and Diploma in the order of 10+3+3 / 10+3+2 pattern; or

c) From an Open University / Distance Education / College after completion of SSLC and ITI in the order of 10+2+3 pattern."

4.By referring the above, learned Additional Advocate General submitted that the petitioner claims that he has obtained bachelor's degree, after completing SSLC and Higher Secondary Course. But in the HSC certificate uploaded by the petitioner, it was found that he had failed in one subject (English). Neither the petitioner uploaded the NOC properly, nor he has uploaded any certificates showing that



he has completed HSC and then undergone the degree course. However, the petitioner was provisionally allowed to participate in the written examination held on 13.01.2020 and he was given another opportunity to submit the HSC mark sheet and proper NOC on or before 21.02.2020. This was communicated to the petitioner through SMS and e-mail on 19.02.2020. Even then, the petitioner has not produced the same and therefore, his candidature was rejected.

5. In reply, learned Counsel for the petitioner submits that vide e-mail communication dated 19.02.2020, the petitioner was instructed to submit the HSC mark sheet as well as NOC certificate and the petitioner has accordingly, submitted the same on 20.02.2020, by reply e-mail. As such, there is no bar for the respondents to consider his candidature.

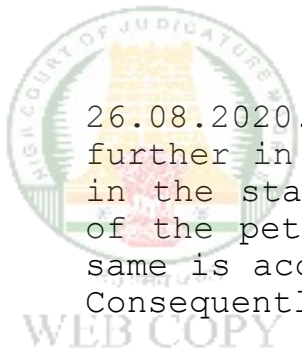
6. Heard the learned Counsel appearing on either side and perused the documents placed on record.

7. The petitioner has enclosed the e-mail communications dated 19.02.2020 and 20.02.2020 in the typed-set of papers. This Court has also perused the said communications. In the communication dated 19.02.2020, the petitioner was asked to submit HSC and NOC certificates. In the communication dated 20.02.2020, the petitioner claims to have attached the said certificates. But the copies of such certificates were not enclosed in the typed-set of papers, for this Court to verify.

8. When this Court enquired the petitioner's Counsel as to the said certificates, he has referred to the additional typed-set of papers, dated 26.08.2020. When the certificates were very much available and were submitted in the reply e-mail communication dated 20.02.2020 itself, it is not known as to what prevented the petitioner from annexing these crucial documents in the main typed-set of papers itself along with the writ petition, which was filed on 26.06.2020.

9. Be that as it may, on a perusal of the additional typed-set of papers, it is seen that the NOC was signed on 05.04.2019. This creates much doubt in the minds of this Court. If this certificate was actually obtained on 05.04.2019 itself, with signature, it is not known why it was not uploaded at the time of submitting the application. Had it been uploaded, the respondents would not have taken a stand that without any signature, NOC was uploaded by the petitioner. In fact, it is also not known as to why the said certificate was not submitted at least pursuant to the email communication dated 19.02.2020; and why it was not annexed along with the main writ petition.

10. This Court feels that for the purpose of this writ petition, this certificate dated 05.04.2019 has been obtained and was produced



26.08.2020. This Court is not inclined to probe and observe any further in this regard. Suffice it to say, this Court finds no error in the stand taken by the respondents in rejecting the candidature of the petitioner, as such, this writ petition lacks merit and the same is accordingly, dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition shall stand closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

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 Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
P T Lee Chengalarajaya Naicker Building,
No.807, 2nd Floor Anna Salai,
Chennai - 600 002.
- 2.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
P T Lee Chengalarajaya Naicker Building,
No.807, 2nd Floor Anna Salai,
Chennai - 600 002.
- 3.The Superintendent of Police,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-2355[F] dated 25/01/2022)

W.P(MD) No.7130 of 2020
21.01.2022

RK(07/03/2022) 4P 5C