



W.A.(MD)No.475 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 05.07.2022

PROUNOUNCED ON : 26.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.475 of 2022
and
C.M.P.(MD)Nos.4475 and 4477 of 2022

Hariprakash

... Appellant

Vs.

The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee (TNFUSRC),
No.1, Jennis Road, Panagal Maaligai,
8D-Floor, Saidapet,
Chennai – 600 015.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.2632 of 2021, dated 18.04.2022.

For Appellant :Mr.G.Kannan

For Respondent :Mr.S.P.Maharajan

Special Government Pleader



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JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed challenging the order dated 18.04.2022 passed in Writ Petition W.P.(MD)No.2632 of 2021.

2. The prayer in the writ petition is for Writ of Certiorarified Mandamus, to quash the impugned rejection of candidature order issued through the website, dated 27.01.2021, in so far as the petitioner (Table – 1(b) by S.No.8, in (REG NO.20020004171) is concerned for the post of Forest Guard with License and consequently, to direct the respondent to accept the petitioner's First Aid Certificates and select and appoint the petitioner to the post of Forest Guard with License.

3. The brief facts as stated in the writ petition are that the petitioner has completed 10th standard in March 2012, +2



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in March 2014 and possessing LMV driving license, has also completed D.C.E. and obtained certificate as PSTM. The petitioner has worked as Driver from 01.08.2016 to 30.04.2020 in Senthur Driving School for period of more than 3 years. The petitioner has completed the First Aid Course in St. John Ambulance (India) on 05.01.2019 and also completed another first aid course in St. John Ambulance Association by examination on 01.02.2020. Thereafter completed the first aid course on 13.10.2020 in Indian Institute of Emergency Medical Services (IIEMS).

4. The petitioner has applied for the post of Forest Guard and Forest Guard with license post as per the Advertisement No.2 of 2019 through website on 30.11.2019. The number of vacancies in respect of Forest Guard was mentioned as 227 and Forest Guard with driving license with current vacancy 2 posts and carry forward vacancies 91 posts totally 320 vacancies. The Educational qualification prescribed for this



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post is pass in Higher Secondary Course (+2) with physics, chemistry, biology, zoology or botany as one of the subject for the post of Forest Guard. For Forest Guard with driving license, the prescribed qualification is same as Forest Guard with further qualification of a valid driving license issued by competent authority and also certificates from a reputed firm that the candidate should possess experience in driving of Light Motor Vehicle and Heavy Motor Vehicle for a period of not less than 3 years after getting driving license and also that the candidate must possess First Aid Certificate by recognized organization. The petitioner had submitted an application on 26.01.2020 through online for both the above said posts, i.e., for forest guard with or without license through online. The respondent through another notification in website, dated 07.03.2020 for the same posts issued Advertisement No.2 of 2019, dated 30.11.2019, whereby increased the vacancies for the said posts of 320 vacancies to 406.



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5. The contention of the petitioner is that on receipt of the application, the first respondent issued an online examination admit card directing the petitioner to attend the written examination on 08.03.2020. The petitioner attended the examination. The respondent has published through the website, dated 24.11.2020, wherein the provisional list of shortlisted candidates (1:3 ratio) for certificate verification, physical standard verification or endurance test for the post of Forest Guard with the driving license - 42 posts has been published. In the said list, the petitioner's name published in Serial No. 4 under General and further, he was selected in the Forest Guard in (table I) General PSTM in Serial No.32. The petitioner was called for certificate verification on 05.01.2021 and the petitioner attended and produced all the educational, driving license, caste certificate, etc. The specific contention of the petitioner is that after verifying the above certificates, especially all the 3 First Aid Certificates produced by the petitioner, the respondent Certificate Verification Committee



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having satisfied with the first aid certificates have retained the copy of the certificate issued on 13.10.2020 issued by Indian Institute of Emergency Medical Services (IIEMS) and returned the other two certificates issued by St. John Ambulance (India) stating the other two certificates are not required.

6. The petitioner contended that the physical standards verification test, the endurance test was held on 19.01.2021 and the petitioner passed the said test. The respondent published the final list of selected candidates for both posts on 24.01.2021 and the petitioner's name was not found in both the list. The petitioner sent a detailed representation through Email on 01.02.2021. The respondent had passed the impugned order, dated 27.01.2021, stating that the candidate was provisionally admitted to the certificate verification and upon scrutiny of certain certificates, it was noticed that the certificate of first aid produced by the candidate in certificate verification was not valid. Therefore, as per clause 17 (iv) and



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class 17 (v) of Information Brochure the petitioner's candidature is rejected. The petitioner met the respondent personally on 01.02.2021 and explained and had shown the two first aid certificates possessed by him and contended that he is having required experience as per the notification. During the time of certificate verification, the petitioner had produced all the three first aid certificates and the respondent has taken into consideration only the current year certificate issued by the Indian institute of Emergency Medical Services and has come to the erroneous conclusion that the petitioner was not possessing any certificate prior to the date of notification. Aggrieved over said impugned selection list, dated 27.01.2021, wherein the petitioner's name was not there, the writ petition was filed.

7. The respondent filed a detailed counter affidavit stating that the petitioner had applied for the said two posts and based on the information given by the petitioner in the



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online application, the respondent had admitted the petitioner provisionally to attend the online examination on 08.03.2020. The respondent had published in the notification, the instructions to candidates for certificate verification and physical standard verification on 19.11.2020. The provisional list of shortlisted candidates in the ratio of (1:3) was prepared based on merit in online examination and was issued on 24.11.2020. Further, batch wise list for certificate verification and physical standards verification was published on 26.11.2020 and the certificate verification and physical standard verification was scheduled from 05.12.2020 to 07.12.2020. But based on the interim stay order granted by this Court, W.P.(MD)No.14876 of 2020 in W.P.No.17837 of 2020, dated 04.12.2020, the certificate verification of physical standards verification was postponed. Finally, the said writ petition was dismissed on 15.12.2020. The respondent had published the revised batch wise list on 17.12.2020 afresh from 05.01.2021 to 07.01.2021. The candidate at the time of



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online registration, dated 26.01.21020, had declared in declaration paragraph 8 as below:

"I also understand that I will produce all necessary certificates or documentary proof related to the appointment, in original at the time of certificate verification if called for."

8. The contention of the respondent is that it is well established fact that the details given in the online application must be in consonance with the certificates produced by the candidate at the time of certificate verification. The petitioner had produced the first aid certificate dated 13.10.2020 at the time of certificate verification held on 05.01.2021. The respondent contended that the petitioner did not possess the first aid course certificate on the date of online application i.e. on 26.01.2020. The petitioner participated in the first aid and CPR training conducted by IIEMS only on 13.10.2020. Therefore, the petitioner was ineligible to apply for the post of Forest Guard with driving license and hence the petitioner's



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candidature was rejected. Therefore, the respondent prayed to dismiss the petition. The Special Government Pleader appearing for the respondent submitted that the petitioner produced the certificate on 13.10.2020 which is beyond 30.11.2019 and which is also a certificate not in accordance with the information brochure. The notification was issued on 30.11.2019 and as on 30.11.2019, the petitioner was not in possession of the required certificate. The certificate verification was done subsequently and at the time of verification the Authorities found that the certificate was obtained by the petitioner after the date of notification. Therefore, as per the conditions stipulated in the information brochure, the petitioner became ineligible.

9. The Learned Single Judge has considered the claim of the petitioner and submission of the respondent and has held that the condition categorically stipulates that the candidates must process valid certificate issued by the recognized



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organization in Tamil Nadu at the time of online registration and also at the time of certificate verification. Since the petitioner has not produced the certificate issued prior to the notification, the petitioner is not eligible for selection. Aggrieved over the said order the writ petitioner has preferred the present Writ Appeal.

10. Heard Mr.G.Kannan, the Learned Counsel for the appellant and Mr.S.P.Maharajan, the Learned Special Government Pleader and this Court after active consideration is passing the following order.

11. The appellant has undergone training in St. John's Ambulance (India) First Aid Training Center and the said institute has issued the provisional certificate No.00202114 wherein it stated that the date of examination is 05.01.2019 and the provisional certificate is valid for 3 months from the

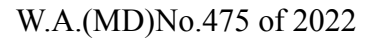


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date of examination. Another provisional certificate valid for 6 months issued by St. John Ambulance Association with Certificate No.003649 and the date examination is 01.02.2020. The third certificate issued by Indian Institute of Emergency Medical Services (IEMS) on 13.10.2020. It is the specific contention of the appellant / writ petitioner that he had produced the three certificates before the Certificate Verification Committee,

- a. Provisional Certificate No.00202114 dated 05.01.2019 by St. John's Ambulance.
- b. Provisional Certificate No.003649 and the date examination is 01.02.2020 by St. John's Ambulance.
- c. Indian Institute of Emergency Medical Services (IEMS) on 13.10.2020.

The appellant had Provisional Certificate No.00202114 dated 05.01.2019 issued by St. John's Ambulance which was issued prior to the notification. However, the respondents objected to the said certificate stating that was not produced before the



12. The next contention raised by the respondents is that the certificate is only provisional. The appellant submitted that since the St. John ambulance association has not issued original certificate, the appellant approached St. John ambulance association to issue the original certificates,



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wherein the said center has issued a certificate stating that the provisional certificate was issued which is valid for 3 months and the first aid training certificate is valid for 3 years from the date of training and the original certificates are yet to be received from the St. John ambulance Head Office, Chennai. The relevant portion is extracted hereunder:

"The provisional certificate No. PFAC/1901/00202114 for 3 months from the date of training issued to the individual by the St. John Ambulance (India) Tamil Nadu State was already expired on 04.04.2019 Afternoon. The first aid training certificate is valid for 3 years from the date of training and the original certificate is yet to be received from St. John Ambulance (India) New Delhi, through Tamil Nadu state Centre, Chennai – 600031. The original certificates will be sent to the individual as and when it received from St. John Ambulance Head Office, Chennai – 600 031."

The St. John Ambulance (India) has also issued another letter dated 05.02.2021, stating the inability to issue the original certificates. The relevant portion of the letter is extracted hereunder:

"Sub: Issue of provisional certificate for First Aid &



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allied training-regd.

First Aid and allied Trainings are being conducted by State centres and branches throughout India. The State Center were earlier allowed to issue provisional certificates for a period of up to three months at their level. This was withdrawn during the meeting of the National Council held on 28th July, 2020. Many States have requested that this facility may be restored in the interest of trainees, as the certificates from NHQ are not received immediately. It has been agreed with the approval of Hon'ble Chairman that the States Centres of St. John may again be authorized to issue provisional certificates for a period of up to three months.

Above may kindly be noted and it may be ensured that the provisional certificates are not issued for a period exceeding 3 months."

From the letter, it is evident that the appellant was in possession of provisional certificate as on date of online application, but the said St. John Ambulance institution has not issued the original certificates due to administrative problem. Therefore, this Court is of the consider opinion that the contention of the appellant ought to be accepted. It is an admitted fact that the appellant has equipped himself with first aid training and as on date of online application, he was in



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possession of certificate No.00202114 dated 05.01.2019, which is prior to the date of notification dated 30.11.2019. If the training center namely, St. John ambulance is not able to issue final certificate, it is not the mistake of the appellant. Infact, if the said allegation was put forth by the appellant, it is incumbent on the Government to take action against the erring training centers. But the Government is not a party in this Writ Appeal.

13. This court is convinced that the appellant was in possession of the provisional certificate No.00202114 dated 05.01.2019, as on date of online application dated 26.01.2020. Therefore, this Court is of the considered opinion that the appellant is entitled to be considered in the recruitment process. Therefore, the respondent is directed to consider the appellant's candidature and accept the provisional certificate No.00202114 dated 05.01.2019 and include him in the final selection list. The said exercise shall be completed within a



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period of three weeks from the date of receipt of a copy of this judgment.

14. For the above reasoning, the Writ Appeal is allowed.
No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
26.07.2022

Index : Yes / No

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To

The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee (TNFUSRC),
No.1, Jennis Road, Panagal Maaligai,
8D-Floor, Saidapet,
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