



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21728 of 2019

and

W.M.P. (MD) Nos.18460 & 18461 of 2019

WEB COPY

Lavanya

... Petitioner

vs.

1.The Member Secretary

Tamil Nadu Uniformed Services Recruitment Board

Old Commissioner of Police Office Campus

Pantheon Road, Egmore

Chennai-600 008

2.The Director General of Police

O/o.The Director General of Police

Chennai-4

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of declaration to declare petitioner's non selection to the post of Grade II Police Constables, Grade II Jail Warder and Fire Man 2019 during the written examination which was published on 04.10.2019 as illegal and consequently directing the 1st respondent to rectify the error in petitioner's Online Application Pertaining to the post of Grade II Police Constables, Grade II Jail Warder and Fire Man 2019 by the way of changing petitioner's Marital Status as widow instead of Married and consider the petitioner in the widow category within the time stipulated by this Court.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader

O R D E R

The writ of declaration has been instituted to declare the non-selection of the petitioner to the post of Grade II Police Constable, Grade II Jail Warder and Fireman as null and void.

(*)"2. The petitioner participated in the process of selection for appointment to the post of Grade-II Police Constable, Grade-II Jail Warder and Fireman.



However, the petitioner was unsuccessful in the written examination, as she has not secured the required marks.

3. The learned Additional Advocate General appearing on behalf of the respondents made a submission that the petitioner produced the widow certificate issued by the Tahsildar, which is not the proper certificate for the purpose of providing reservation under the category of 'destitute widow'. The destitute widow certificate is to be obtained from the Sub Collector/Revenue Divisional Officer, which is the competent authority.

4. When the Tahsildar is incompetent to issue destitute widow certificate and issued only a widow certificate in favour of the petitioner, the respondents ought to have provided an opportunity to the writ petitioner to get destitute widow certificate from the competent authority, as it is only a mistake or error occurred for which the petitioner cannot be blamed. Thus, the petitioner must be provided an opportunity to produce the destitute widow certificate.

5. The learned counsel appearing for the petitioner made a submission that subsequently after knowing these factors, the petitioner approached the competent authority and obtained the destitute widow certificate and the petitioner is ready to submit the same before the competent authority. The learned Additional Advocate General made a submission that the petitioner has stated in her application as if she is a married person. However, the fact remains that the petitioner is a married women and lost her husband and thereafter, became a destitute widow. Therefore, such small error or mistake is to be construed as a condonable error and on that account, the case of the petitioner need not be rejected. Certain errors are condonable if there is no intention for suppression. Taking note of all these facts and circumstances and considering the submission made by the petitioner that now she is in possession of the destitute widow certificate issued by the competent authority, the petitioner's right for appointment based on her selection need not be denied by the respondents.

6. The petitioner is a destitute widow and eligible to secure appointment under the said category. Though she has produced the widow certificate issued by the Tahsildar, subsequently she has obtained the destitute widow certificate from the



competent authority. Further, the petitioner is aged about 24 years at the time of filing this writ petition and therefore, she would be fit enough to be appointed as Grade-II Police Constable in the Tamil Nadu Police Service subject to her eligibility and other aspects. The respondent-Board has to consider such cases by taking a lenient view, as the petitioner has not willfully suppressed any fact or by producing a widow certificate, she has not committed any misrepresentation or otherwise. Thus, the case of the petitioner is to be considered positively if she is otherwise qualified and eligible as per the rules. The case of the petitioner is factually distinguishable with reference to the other cases of suppression of fact and other relevant materials. This Court has considered this case as a case based on the peculiar facts and circumstances and considering the fact that the petitioner is a young destitute widow. Thus, the case of the petitioner cannot be cited as a precedent for other cases for the purpose of securing appointment in Uniformed Services."

7. Accordingly, the petitioner is at liberty to submit a destitute widow certificate issued by the Competent Authority to the respondents within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to verify the selection of the petitioner and accordingly, issue appropriate orders, within a period of two weeks thereafter. It is made clear the case of the petitioner shall not be rejected on the ground of delay or on the ground that the process of selection already completed.

8. With the above directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

(*) Para Nos.2 to 6 modified vide Court order dated 21/04/2022 made in WP(MD).No.21728 of 2019.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

2.The Director General of Police,
O/o.The Director General of Police,
Chennai-4.

+1 CC to M/s.SPL.GP. (SR-18358,20517[F] dated 12/04/2022)

+1 CC to M/s.R. VENKATESAN, Advocate (SR-18535[F] dated
13/04/2022)

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