



W.P.(MD)No.3411 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :- 21.04.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.3411 of 2017

and

W.M.P(MD).No.2775 of 2017

B.Mahendran

... Petitioner

Vs.

The Chairman,
Tamil Nadu Forest Uniformed Services
Recruitment Committee,
Panagal Maaligai, 9th Floor,
Saidapet, Chennai-600 015.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent i.e., the chairman, Tamil Nadu Forest Uniformed Services Recruitment Committee, Chennai relating to subsequent notifications dated 17.04.2015 and 14.01.2016 relating to deletion of question Nos.98 and 111 of Paper I General knowledge and rectification of mistakes committed in the original



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application made to the committee by the candidates and quash the same and consequently direct the respondent to select and appoint the candidates as per the original notification in Advertisement No.1/2014 dated 22.12.2014 calling for application for direct recruitment to the vacancies for the post of Forester (TNFT) numbering 148 vacancies, Forester (TAFCON) numbering about 17 vacancies and for the post of Field Assistant (Arasu Rubber Corporation Ltd) numbering about 16 vacancies, totally for 181 vacancies within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.Visvalingam
For Respondents : Mr.Veera Kathiravan
AAG Assisted by
M/s.Farjana Ghoushia

ORDER

This writ petition has been filed challenging the notification dated 17.04.2015 and 14.01.2016 relating to deletion of question Nos. 98 and 111 of paper I General Knowledge and rectification of mistakes committed in the original application made to the committee by the candidates and quash the same and consequently direct the respondent to select and appoint the candidates as per the original notification in advertisement No.1 of 2014 dated 22.12.2014.



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2.The brief facts stated as stated in the affidavit is that the petitioner has applied all the three posts, which were called for in the advertisement No.1 of 2014 dated 22.12.2014. The petitioner is qualified as B.Sc., (Botany) (Specialization in Industrial Micro Biology) and obtained the degree in the year 2007 and he has also passed Diploma in Microsoft Office in the year 2011. The petitioner secured 149.6 in the written examination. After conducting examination and publication of marks obtained by the candidates, the revised notification was issued on 14.01.2016, advising the candidates to rectify the mistakes committed by them regarding community, medium of instructions etc. In the original notification dated 22.12.2014, it has been specifically stated that the applications not filled up properly in the OMR application would be rejected summarily at the initial stage itself. After making such specifications in the original notification dated 22.12.2014, the respondent himself has issued notification inviting the candidates to rectify the mistakes committed in the OMR application. Once, OMR application was filled with mistakes, the candidates cannot be granted any permission to submit such an application after rectifying the mistakes. According to the respondents there was a mistake in the notification itself and such a permission was granted to the candidates to rectify the OMR application. The



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learned counsel for the petitioner submitted that since the mistake committed by the respondents, the petitioner cannot be responsible for the same. The petitioner is already 30 years old and he will have to wait for future recruitment.

3. The respondents have filed counter wherein it is stated that based on the objections received from the candidates regarding the correctness or otherwise of the answers of questions Nos.98 and 111 and based on the opinion of the panel of Experts, both the questions were deleted. In order to rectify certain factual errors that crept in inadvertently, the candidates were instructed on 14.01.2016 to furnish the required particulars. This is not a deviation in the process of selection and it does not amount to being detrimental to the candidates who had already written the examination and secured good marks as contented by the petitioner. If these corrections have not been carried out in the application forms, the respondents could not have proceeded further and continued the selection process and prayed to dismiss the writ petition.

4. Heard Mr.Visvalingam, the learned Counsel for the petitioner and Mr.Veera Kathiravan, Additional Advocate General assisted by M/s.Farjana



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Ghoushia, the learned Counsel for the respondents and perused the materials available on records.

5. It is admitted by the respondent that the respondent has committed a mistake, in order to rectify the same, the respondent has allowed the candidates to correct OMR application. Therefore, the candidates had rectified their mistakes. But the claim of the petitioner is that the petitioner has filled the OMR application without any mistakes and then the petitioner ought to be considered as per the first notification. Generally, in all recruitment process the candidates will not be allowed to rectify the OMR applications, it will be considered as defective applications and will be rejected in limine. But in the present recruitment process since the respondents themselves have committed a mistake, the respondents had issued a second notification and allowed all the candidates to rectify the consequential mistake committed by the candidates. But the contention of the petitioner is that since the petitioner has not committed any mistake while filling up the OMR application, the petitioner ought to be as per the first notification and grant an appointment order.



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6.Considering the facts and the circumstances of this case, this Courts is of the considered opinion that if the petitioner alone was granted the relief then the other similar placed candidates would come forward and seek the same relief. Therefore this Court is directing the respondent, if the petitioner is eligible for the said post, if any person had not joined in any of the said vacant post, the respondent is directed to consider the petitioner's candidature and pass order within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition is allowed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

21.04.2022

Index : Yes / No

Internet : Yes

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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

The Chairman,
Tamil Nadu Forest Uniformed Services Recruitment Committee,
Panagal Maaligai, 9th Floor,
Saidapet,
Chennai-600 015



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S.SRIMATHY, J

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Pre-delivery Order made in
W.P.(MD)No.3411 of 2017

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