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W.P.No.26501 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

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THE HON'BLE **MR.JUSTICE N.ANAND VENKATESH, J.**

W.P.No.26501 of 2021
and W.M.P.No.27946 of 2021

G.Sasikala

... Petitioner

Vs.

1.Director General of Police,
Chennai-600 004.

2.The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Anna Salai, Chennai-600 002.

3.The Chair Person and cum Additional Superintendent of Police,
Tamilnadu Uniformed Services Recruitment Board,
Prohibition Enforcement Wing,
Ariyalur.

4.The Revenue Divisional Officer,
Perambalur,
Perambalur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the third respondent herein in his proceedings No. Nil Annexure 9 Disqualification Slip, dated 02.08.2021 and quash the same and consequently direct the respondents herein to appoint the petitioner (Regn.No.7200033) as Grade II Police Constable for the year 2020, on par with his batch mates with all consequential service benefits within a time frame.



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For Petitioner

: M/s.G.Bala and Daisy

For Respondents

: Mr.P.Kumaresan
Additional Advocate General
Assisted by Sowmi Dattan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the disqualification slip issued by the 3rd respondent dated 02.08.2021 and for a consequential direction to the respondents to appoint the petitioner as a Grade II Police Constable for the selection that took place during the year 2020.

2. The case of the petitioner is that she lost her husband in the year 2016 and she applied for selection to the post of Grade II Police Constable in the year 2020 under the destitute widow quota. The petitioner successfully completed her written test and at the time of certificate verification, the candidature of the petitioner was rejected on the ground that the certificate that was produced by the petitioner was issued by the Tahsildar, whereas the petitioner ought to have produced the certificate issued by the Revenue Divisional Officer / Sub Collector / Assistant Collector. Accordingly, the disqualification slip was issued by the 3rd respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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3. Heard Mr.G.Bala, the learned counsel appearing for the petitioner and Mr.P.Kumaresan, the learned Additional Advocate General appearing on behalf of the respondents.

4. The learned counsel for the petitioner submitted that the petitioner was a destitute widow and she had no one else to support her. The petitioner had successfully completed the written examination and her candidature was rejected only on the ground that the certificate produced by her was issued by a Tahsildar and not by the authorities as mentioned in the notification. The learned counsel for the petitioner brought to the notice of this Court the order passed in W.P.No.19990 of 2021, dated 17.09.2021, wherein a case involving in the same issue was considered by this Court and a direction was issued to the respondents to consider the representation of the petitioner therein along with the certificate that was post facto issued by the concerned authority. The learned counsel for the petitioner submitted that a similar direction may be issued to the respondents in the case of the petitioner also. The learned counsel further submitted that the petitioner is already aged about 36 years and she has already crossed the maximum age limit for participating in any fresh selection.

5. Per contra, the learned Additional Advocate General appearing on behalf of the respondents submitted that the notification itself made it very clear



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that the certificate must be issued only by Revenue Divisional Officer / Sub Collector / Assistant Collector and any other certificate that is produced by the candidate, is liable to be rejected and such a candidate cannot be considered under the destitute widow quota. The learned Additional Advocate General submitted that the claim that is made by the petitioner runs contrary to the mandate prescribed in the notification and therefore such a claim is unsustainable.

6. There is no dispute with regard to the fact that the petitioner applied for the selection to the post of Grade II Police Constable in the year 2020 under the destitute widow quota. Unfortunately the petitioner had submitted the certificate issued by the Tahsildar. The notification makes it very clear that the concerned certificate must be issued only by the Revenue Divisional Officer / Sub Collector / Assistant Collector. At the time of hearing, the learned counsel for the petitioner has produced a destitute widow certificate given by the Revenue Divisional Officer, Perambalur during the year 2022. This certificate has been produced post the application submitted by the petitioner and after the petitioner's participation in the selection process.

7. The order that was brought to the notice of this Court passed in



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pathetic situation of the destitute widow, directed the respondents to consider the claim made by the petitioner based on the post facto certificate issued by the Revenue Divisional Officer.

8. In the considered view of this Court, no positive directions can be issued by this Court as sought for by the petitioner. However, considering the fact that the petitioner does not have any support and she has lost her parents and also her husband and she has also crossed the age limit for participating in any fresh selection, the case of the petitioner can be considered sympathetically, if she has satisfied all the other requirements. Hence the petitioner is at liberty to make a fresh representation to the 1st and 2nd respondents along with all the relevant documents and also the destitute widow certificate issued by the Revenue Divisional Officer, Perambalur and the same shall be considered by the 1st and 2nd respondents, keeping in mind the spirit behind this order and a decision shall be taken and it shall be intimated to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

9.This Writ Petition is disposed of accordingly. Consequently, the connected Miscellaneous Petition is closed. No costs.

25.01.2023



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N.ANAND VENKATESH, J.

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To

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Chennai-600 004.
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Tamilnadu Uniformed Services Recruitment Board,
Anna Salai, Chennai-600 002.
3. The Chair Person and Cum Additional Superintendent of Police,
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Prohibition Enforcement Wing,
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