



**W.A.(MD)No.1141 of 2022**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.11.2023**

**CORAM:**

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
and  
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A.(MD)No.1141 of 2022**

S.Prasanth

... Appellant

-VS-

1.The Chairman,  
Tamil Nadu Uniformed Services Recruitment Board,  
No.807, P.D.V.Sengalvaraya Naicker Maligai,  
Annasalai,  
Chennai-2.

2.The Director General of Police,  
Kamarajar Salai,  
Kailasapuram,  
Mylapore,  
Chennai – 4.

3.The District Superintendent of Police,  
District Superintendent of Police Office,  
Korampallam,  
Thoothukudi District.

4.The Chairman/Member,  
Sub-Committee of Tamil Nadu Uniformed  
Services Recruitment,  
Thoothukudi Board,  
District Superintendent of Police Department Office,  
Thoothukudi.

... Respondents



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**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 09.07.2020, made in W.P.(MD)No.6715 of 2020.

For Appellant : Mr.R.Venkatesan  
For Respondents : Mr.Veera.Karthiravan  
Additional Advocate General  
Assisted by  
Mr.S.P.Maharajan  
Special Government Pleader

### **JUDGMENT**

**[Delivered by the Hon'ble CHIEF JUSTICE]**

We have heard Mr.R.Venkatesan, learned counsel for the appellant and Mr.Veera.Kathiravan, learned Additional Advocate General for the respondents.

**2.** The appellant had participated in the selection process for the post of Grade-II Police Constable. The appellant was called for certificate verification on 21.11.2019. The appellant, on the said date, could not produce the 10<sup>th</sup> Standard/SSLC Mark Statement. According to the appellant, he lost the said certificate and also applied for duplicate certificate. A complaint was also lodged with the Police and the lost document report was also given by the Police. The learned Single Judge observed that even on the date when the



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WEB COPY matter was listed, the appellant could not produce the duplicate certificate.

Hence, the Writ Petition was dismissed. Aggrieved thereby, the present Appeal is filed.

3. The learned counsel for the appellant strenuously contends that the appellant was possessing the SSLC mark sheet on 27.11.2019. However, the original certificate was lost and a complaint was lodged. The lost document report was also given by the Police authorities. According to the learned counsel for the appellant, the appellant possessed the necessary qualification and also the mark sheet as on the said date. However, only because the original certificate was lost, the same could not be produced. The learned counsel submits that such hyper technical approach could not have been taken by the Court, since even subsequent production of the said certificate can be accepted.

4. The learned counsel relies upon the judgment of the Hon'ble Apex Court in the case of **Dolly Chhanda vs. Chairman, JEE and others** reported in **2005 (9) SCC 779**. The learned counsel for the appellant submits that the said judgment was followed by the Division Bench of this Court in the case of the **Secretary, Tamil Nadu Public Service Commission vs. M.Chitra and another** reported in **2010 (2) MLJ 146**.



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5. According to the learned counsel for the appellant, the learned Single Judge while dismissing the Writ Petition, had further observed that in future recruitment, if the duplicate certificate with regard to educational qualification of the appellant is produced, the same would be accepted by the respondents. It is further submitted that the appellant possessed the necessary qualification as on the date of certificate verification. The loss of certificate should not be detrimental of the appellant, more particularly, when he possessed the necessary qualification on the date of submission of the application and verification of certificates.

6. The learned Additional Advocate General for the respondents submits that the appellant could not produce the required certificate. The instructions were given in the brochure. The instructions were self-explanatory. Along with the appellant, 22 other candidates were rejected on the same ground. It is further submitted that the appellant participated in the subsequent selection process of the years 2020 and 2022, but, he could not be selected. He was not within the zone of consideration.



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**WEB COPY** 7. We have considered the submissions canvassed by the learned counsel for the parties.

8. The Hon'ble Apex Court in the case of **Dolly Chhanda** (supra), observed that every infraction of the rule relating to submission of proof need not necessarily result in rejection of the candidature. Depending upon the facts of the case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of the procedure. The Division Bench of this Court in the case of **Secretary, Tamil Nadu Public Service Commission** (supra), observed that the certificates, which are not essential for entertaining the application of the candidates, are not that much material. The Division Bench of this Court further observed that the community certificate produced before the date of finalisation of the provisional selection list based on the cut off marks secured in the written examination would suffice.

9. In the present case, on the date of decision by the learned Single Judge, *i.e.*, on 09.07.2020, the appellant could not produce even the duplicate certificate *viz.*, 10<sup>th</sup> Standard/SSLC Mark Statement. The appellant was called for certificate verification on 21.11.2019 and on that date, admittedly, the



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appellant did not possess the required certificate. The appellant was issued with the SSLC Mark Statement by the Secretary, State Board of School Examinations on 27.11.2019 i.e., 6 days after the certificate verification and since the said certificate was lost by the appellant, the same was not produced before the Committee. However, still the learned Single Judge was of the opinion that if in the Writ Petition, the same is produced, it could be considered, but, even during pendency of the Writ Petition till the delivery of the judgment, the appellant did not produce the same.

**10.** It would not be possible now to set the clock back. Thereafter, two selection process have been conducted in the years 2020 and 2022. In both the selection processes, the appellant participated. However, he was not within the zone of consideration, could not clear the benchmark and was not found fit to be selected.

**11.** In view of the fact that the subsequent selection processes have been undertaken, the appellant participated in the selection processes, but could not be selected, now the orders cannot be passed with regard to the selection process of the year 2019.



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**WEB COPY 12.** In the light of that, the Writ Appeal stands disposed of. No costs.

**[S.V.G., .C.J.]**

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**[K.K.R.K., J.]**

Index : Yes / No  
Neutral Citation : Yes / No  
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**THE HONOURABLE CHIEF JUSTICE**  
**and**  
**K.K.RAMAKRISHNAN, J.**

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