



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.06.2024

Pronounced on : 31.07.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**W.P.No.3313 of 2021****and****W.M.P.Nos.3770 and 3772 of 2021**

Tameem Ansari.S.M

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by its Member Secretary,
Tamil Nadu Forest Uniformed Services Recruitment Committee (TNFUSRC),
8th Down Floor, No.1. Jennis Road, Panagal Maligai,
Saidapet, Chennai – 600 015.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the rejection candidature in so far as the registration number 20020016597 listed in Serial No. 24 under Table-I (b) of the publication of list of candidates rejected in post examination activities to the post of Forest Guard / Forest Guard Driving with licence which was published / released by the respondent on 27.01.2021 and to quash the same and consequently direct the respondent to appoint the petitioner to the post of Forest Guard with driving licence in view of the Notification issued by the respondent vide Advertisement No. 2 / 2019 dated 30.11.2019.

For Petitioner : Mr.N.G.R.Prasad, Senior Counsel
for M/s.Row & Reddy

For Respondent : Mr.M.S.Prem Kumar,



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Government Advocate

ORDER

In response to a notification issued by the respondent vide Advertisement No.2/2019 dated 30.11.2019 inviting the applications from the eligible candidates on-line for filling up the posts of 'Forest Guard' and 'Forest Guard with Driving Licence' of Tamil Nadu Forest Sub-ordinate Services, the petitioner submitted an on-line application on 29.01.2020 and accordingly, basing on the credentials submitted by the petitioner through his on-line application, the petitioner was allowed to appear for the written examination with Registration No.20020016597 on 08.03.2020. As the petitioner was successful in the said written examination, a provisional list of short-listed candidates for the post 'Forest Guard with Driving Licence' was published in the ratio of 1:3 and the petitioner is one among the short-listed candidates. Thereafter, the petitioner was called for certificate verification and accordingly, the petitioner appeared for certificate verification on 05.01.2021 and thereafter, he was allowed for 'Physical Endurance Test'. However, a provisional list of candidates for the post of 'Forest Guard with Driving Licence' was published on 24.01.2021, wherein the Registration Number of the petitioner was missing. Thereafter, it was on 27.01.2021, the respondent



published a list of rejected candidates in the certificate verification and the Registration Number of the petitioner was found included in the said list. It is aggrieved by the non-selection of the petitioner to the post of 'Forest Guard with Driving Licence' and rejecting the candidature of the petitioner during the certificate verification, the petitioner approached this Court by filing the present Writ Petition.

2. The respondent filed counter-affidavit contending that the 'First Aid Certificate' produced by the petitioner was found to be invalid, and because of the misleading by the petitioner during the certificate verification, he was allowed to participate in the 'Physical Endurance Test' and thereafter, it was realised that the 'First Aid Certificate' produced by the petitioner is invalid and therefore, the candidature of the petitioner was rejected.

3. Heard Mr.N.G.R.Prasad, learned Senior Counsel appearing for the petitioner and Mr.M.S.Prem Kumar, learned Government Advocate appearing for the respondent.

4. The learned Senior Counsel appearing for the petitioner contended



that the petitioner produced the 'First Aid Certificate' dated 27.08.2019 issued by St.John Ambulance (India) and another certificate dated 27.10.2010 issued by the IEMS for having undergone 'First Aid Course' and the person who verified the certificates on 05.01.2021 informed the petitioner that the certificate dated 27.08.2019 is sufficient and accordingly, he was permitted to participate in the 'Physical Endurance Test'. He further contended that the 'First Aid Certificate' dated 27.08.2019 issued by St.John Ambulance (India), though was valid for a period of three months initially from the date of examination i.e., from 27.08.2019 to 26.11.2019, the same was revalidated for a period of one year i.e., till 26.08.2020 by duly making an endorsement to that effect and therefore, the said Provisional Certificate produced by the petitioner for having undergone the 'First Aid Training' cannot be said to be an invalid certificate. He also further contended that the similar revalidated certificates were considered by various other Departments as valid and several persons have been appointed by other Departments, but the respondent has rejected the said certificate in an arbitrary manner, thereby rejecting the candidature of the petitioner.

5. The learned Government Advocate appearing for the respondent



reiterated the contentions raised in the counter-affidavit.

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6. From the above, it is evident that the only reason for rejecting the candidature of the petitioner for the post of 'Forest Guard with Driving Licence' is for want of producing a valid 'First Aid Certificate'. The Provisional Certificate No.00251715 produced by the petitioner is valid for a period of three months from the date of examination i.e., from 27.08.2019 to 26.11.2019. There is no dispute about the same and the same is evident from the very copy of the certificate which is placed on record. This Court also during the course of hearing of the matter required the learned counsel for the petitioner to produce the original of the Provisional Certificate before this Court and accordingly, the same is placed before this Court and this Court also perused the same.

7. As already noted above, the petitioner submitted his on-line application on 29.01.2020, though notification was issued on 30.11.2019 and certificate verification took place on 05.01.2021. On all the above dates, the Provisional Certificate of 'First Aid' produced by the petitioner was not valid as seen from the said certificate. However, the learned Senior Counsel laid a



great stress on an endorsement made on the Xerox copy of the said Provisional Certificate by the St.John Ambulance (India), Kanchipuram District stating that the said certificate is valid for one year and the next revival date is 26.08.2020. Even assuming that the said certificate is valid till 26.08.2020 i.e., for a period of one year from the date of the examination, the same is not valid as on the date of certificate verification i.e., 05.01.2021. In terms of clause 11-g of the Information Brochure issued by the respondent dealing with the 'First Aid Certificate', it is categorically stated that the candidate must possess valid 'First Aid Certificate' issued by the recognized organization in Tamil Nadu at the time of on-line registration and also at the time of certificate verification. But, as already discussed above, the certificate that was produced by the petitioner for certificate verification on 05.01.2021 was not valid as the validity of the said certificate has come to an end on 26.08.2020 itself on its own showing.

8. Further, the endorsement that was made on the Xerox copy of the Provisional Certificate cannot also be taken into consideration for the simple reason that no such endorsement was made on the original Provisional Certificate that was placed before this Court. Even from the similar



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certificates that were issued in favour of some third parties, which were placed on record by the learned counsel for the petitioner, it is evident that the extension of validity or re-validation of such certificates was made on the certificate itself by making an endorsement to that effect. But, in the certificate which was produced by the petitioner, there was no such endorsement on the Provisional Certificate as such. For this reason also, the so-called re-validation of the said Provisional Certificate cannot be taken into consideration. Therefore, this Court does not find any illegality or infirmity in the action of the respondent in rejecting the candidature of the petitioner for want of producing a valid 'First Aid Certificate' as on 05.01.2021.

9. Added to this, in Paragraph No.7 of the affidavit filed in support of this Writ Petition, the petitioner himself stated that on having realised that the said Provisional Certificate dated 27.08.2019 was found to be expired and therefore, the petitioner approached the said Institute viz., St.John Ambulance (India), but the said office was closed at the relevant point of time. Therefore, the endorsement that is said to have been made on the Xerox copy of the certificate extending the validity of the certificate cannot be said to be a genuine endorsement.



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10. Then, coming to the contention of the learned Senior Counsel for the petitioner that the petitioner has produced another 'First Aid Certificate' issued by the IIEMS dated 27.10.2020 is concerned, the respondent categorically denied the said claim made by the petitioner. No material is placed before this Court to satisfy that the petitioner in-fact submitted any such certificate during the course of the certificate verification on 05.01.2021. Therefore, the said contention is liable to be rejected for want of placing supporting materials.

11. Yet another contention raised on behalf of the petitioner stating that the similar re-validated certificates were accepted by other Departments is concerned, the same is also liable to be rejected for want of placing on record the necessary particulars and material in support of such contention. Even assuming that such certificates were accepted by other Departments, that does not compel the respondent herein to accept such certificate, if once such certificates are found to be not genuine or not valid as required under the notification in question.



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12. Further, as seen from the Provisional Certificate dated 27.08.2019, the same contemplates issuance of an original certificate by the Apex Body and the Provisional Certificate already issued is stated to be valid only for a period of three months. Though the said certificate was issued on 27.08.2019, no such permanent or further certificate is shown to have been issued by the Apex Body. There is no whisper either in affidavit filed in support of the Writ Petition or during the arguments as to why the permanent certificate was not issued in favour of the petitioner as contemplated under the Provisional Certificate itself. This itself creates a serious doubt in the mind of the Court about the genuineness of the Provisional Certificate that is produced by the petitioner in order to participate in the recruitment process in question.

13. In the light of the above, this Court does not find any merit in the Writ Petition and the same is accordingly dismissed. No costs. Miscellaneous Petitions, if any shall stand closed.

31.07.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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To

The Member Secretary to Government of Tamil Nadu,
Tamil Nadu Forest Uniformed Services Recruitment Committee (TNFUSRC),
8th Down Floor, No.1. Jennis Road, Panagal Maligai,
Saidapet, Chennai – 600 015.



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MUMMINENI SUDHEER KUMAR, J.

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Pre-Delivery Order made in
W.P.No.3313 of 2021

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