



**W.P.(MD).Nos.24629, 24587, 28285 and
27002 of 2024**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.24629, 24587, 28285 and 27002 of 2024
and

W.M.P(MD) Nos.20967, 20968, 20927, 20929,
22884, 22886 and 22887 of 2024

W.P(MD) No.24629 of 2024:

K.Vasanth

... Petitioner

Vs.

- 1.The Secretary,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road,
New Delhi – 110 003.
2. The Deputy Secretary,
Staff Selection Commission
(Southern Region)
2nd Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai – 600 006.
3. The Director General,
CRPF (Recruitment Branch)
East Block – 07 Level -4,
Sector 01, R.K.Puram,
New Delhi – 110 006



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4. The Presiding Officer/
Member of Recruitment Board,
Range Head Quarters /CRPF,
CG Avadi Center,
CRPF, Avadi, Chennai,
Tamil Nadu – 600 054.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Rejection Slip (Candidates Copy) passed by the fourth respondent in Annexure - “B1” dated 04.10.2024 and quash the same and further direct the respondents to consider the candidature of the petitioner for appointment to the post of Constable (GD) in CAPFS, SSF and Rifleman (GD) in Assam Rifles Examination, 2024 pursuant to the notification of the first respondent dated 24.11.2023.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
Tamil Nadu.

W.P(MD) No.24587 of 2024:

A.Abbas Ali

... Petitioner

Vs.

1.The Secretary,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi – 110 003.

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2. The Deputy Secretary,
Staff Selection Commission
(Southern Region)
2nd Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai – 600 006.
3. The Director General,
CRPF (Recruitment Branch)
East Block – 07 Level -4,
Sector 01, R.K.Puram,
New Delhi – 110 006
4. The Presiding Officer/
Member of Recruitment Board,
Range Head Quarters /CRPF,
CG Avadi Center,
CRPF, Avadi, Chennai,
Tamil Nadu – 600 054.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Rejection Slip (Candidates Copy) passed by the fourth respondent in Annexure - “B1” dated 04.10.2024 and quash the same and further direct the respondents to consider the candidature of the petitioner for appointment to the post of Constable (GD) in CAPFS, SSF and Rifleman (GD) in Assam Rifles Examination, 2024 pursuant to the notification of the first respondent dated 24.11.2023.

For Petitioner : Mr.K.Sathish Kumar



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For Respondents

: Mr.K.Govindarajan
Deputy Solicitor General of India
Tamil Nadu.

W.P(MD) No.28285 of 2024:

K.Ramkumar

... Petitioner

Vs.

1. The Secretary,
Staff Selection Commissioner,
Block No.12, CGO Complex,
Lodhi Road,
New Delhi – 110 003.
2. The Deputy Secretary,
Staff Selection Commission
(Southern Region)
2nd Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai – 600 006.
3. The Director General,
CRPF (Recruitment Branch)
East Block – 07 Level -4,
Sector 01, R.K.Puram,
New Delhi – 110 006
4. The Presiding Officer,
DV/DME Board,
RECTT of Constable (GD)-2024,
Centre GC CRPF,
Avadi, Chennai,
Tamil Nadu – 600 054.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Rejection Slip impugned order dated 30.10.2024 issued by the fourth respondent and to quash the same and consequently direct the respondents permit the petitioner to rectify the mistake pertaining to the District of Domicile in the online application with the respondents for enabling to get appointment in the post of Constable/GD.

For Petitioner : Mr.A.Senthilkumar

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
Tamil Nadu.

W.P(MD) No.27002 of 2024:

S.Muthulakshmi

... Petitioner

Vs.

The Presiding Officer,
Second – in command,
DV-DME, Board CT-GD – 2024,
RTC Sivagangai ITBPF,
Idayapatti, Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the respondent rejection slip dated 08.11.2024 and quash the same as illegal, incompetent and ultravires and consequently direct the respondent to permit the petitioner to participate in



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the Medial Examination and in the further recruitment process for the post of Constable (G.D) in Central Armed Police Forces (CAPFS) examinations based on the notification issued by the respondent in Notification dated 24.11.2023.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for Mr.D.Selvanayagam

For Respondent : Mr.K.Govindarajan
Deputy Solicitor General of India
Tamil Nadu.

COMMON ORDER

The instant Writ Petitions have been filed by the aspirants to the post of Constables in CAPFS, SSF and Rifleman (GD) in Assam Rifles, pursuant to a Notification issued by the first respondent on 24.11.2023, seeking to quash the Rejection Slip issued by the fourth respondent on 04.10.2024, 30.04.2024 and on 08.11.2024.

2. The petitioners herein have cleared the written examination as well as the physical endurance test. However, the rejection slip has been issued by the fourth respondent on the ground that there is a mismatch between the Domicile Certificate produced by the petitioners as well as domicile



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mentioned in the application form.

3. As far as the case of the petitioner in W.P(MD) No.24629 of 2024 is concerned instead of Madurai District it has been erroneously mentioned as Dindigul District. As far as the case of the petitioner in W.P(MD) No.24587 of 2024 is concerned, instead of Sivagangai District it has been erroneously mentioned as Madurai. As far as the case of the petitioner in W.P(MD) No. 24585 of 2024 is concerned instead of Ramanad District, it is wrongly mentioned as Virudhunagar District. As far as the case of the petitioner in W.P(MD) No.27002 of 2024 is concerned, instead of Tuticorin District it is erroneously mentioned as Tirunelveli.

4. The learned counsel appearing for the writ petitioners herein relied upon the Hon'ble Division Bench of Delhi High Court in ***W.P(C) 12610 of 2023, dated 25.09.2023 in the case of (Vikash Kumar Yadav Vs. Union of India and others)*** and contended that, when no separate vacancies are earmarked for the candidates from certain districts, there is no relevance whatsoever for issuing a rejection slip on the ground that a particular candidate has erroneously mentioned the domicile. He further contended that



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the selection is for the whole of the State of Tamil Nadu. In such circumstances, wrongly mentioning the domicile would not in any way put them in any advantageous position than the other candidates. He further contended that the order of the Hon'ble Division Bench of Delhi High Court was confirmed by the Hon'ble Supreme Court in SLP No.10908 of 2024 dated 10.04.2024.

5. Per contra, the learned Deputy Solicitor General appearing for the respondents herein relying upon the judgment of this Court in Review Application Nos.7 to 11 of 2021, dated 03.02.2021 had contended that when the domicile is erroneously mentioned in the application, the authorities are right in rejecting the said application. He further relied upon the judgment in Jarkand High Court Ranchi Bench in ***W.P(S) 2347 of 2020 dated 27.02.2024 (Kiran Kachhap Vs.Union of India)*** wherein the rejection slip issued by the authorities was upheld by the High Court. He further relied upon the Hon'ble Division Bench judgment of High Court of Kerala in ***W.A.No.1498 of 2022, dated 13.04.2023 (the Union of India, represented by its Secretary, Ministry of Home Affairs, North Block, New Delhi vs. Parvathy S.Shaji)*** in support of his contentions. He further contended that the Hon'ble Division



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Bench of Kerala High Court without considering the said issue on merits and proceeded to direct the authorities to consider the appointment of the petitioners therein on the ground that there are several vacancies.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. It could be seen from the contention of the either parties, as far as the State of Tamil Nadu is concerned, no separate vacancies have been earmarked for any candidate from any particular district. In such circumstances, erroneous mentioning of domicile District would not in any way be prejudicial to their candidature for the above said post. The qualification for being appointed as a Constable is Higher Secondary Course and therefore they have to naturally rely upon the people who manage cyber cafe for uploading their applications. In such circumstances, the mismatch between the domicile claimed by the petitioners and the domicile Certificate cannot be put against the petitioners. In the decision of the Division Bench of Delhi High Court, it is held that, in view of the mismatch of the domicile, no prejudice would be caused either to the department or to other candidates. On



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the other hand, rejection slip issued to the writ petitioners who have secured higher marks than the other candidates could cause great prejudice to the writ petitioners. Considering the fact that the order of the Hon'ble Division Bench of Delhi High Court was confirmed by the Hon'ble Supreme Court, this Court is inclined to follow the judgment of Delhi High Court.

8. In view of the above said deliberations, the orders of rejection slip impugned in the writ petitions are set aside and the respondents are directed to proceed further in the recruitment process and issue appointment orders, if they are otherwise qualified.

9. With the above said observations, these Writ Petitions stand allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

18.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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