



W.P.(MD).No.26602 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26602 of 2023

and

W.M.P.(MD).Nos.22891 & 22894 of 2023

R.Karthiga

... Petitioner

vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Prisons and Correctional Services Department,
Secretariat, Fort St., George, Chennai-600 009.
2. TamilNadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, VOC Nagar, Park Town,
Chennai-600 003.

3. J.Indira

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the second respondent herein in Notification No.Nil dated 03.10.2023, and quash the same in so far as provisionally selecting the third respondent herein under Register No.0101021071 for the post of Jailor (Special Prison for Women) and further direct the second respondent herein to provisionally select the petitioner for the post of Jailor



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(Special Prison for Women), under Scheduled Caste (Arunthathiar) (PSTM) category based on the reserve list issued by the second respondent herein in Notification No.Nil dated 03.10.2023 within a reasonable time as may be specified by this Court.

For Petitioner	: Mr.E.V.N.Siva
For Respondent No.1	: Mr.A.Baskaran, Additional Advocate General
For Respondent No.2	: Mr.J.Anandkumar, Standing Counsel
For Respondent No.3	: Mr.G.Thalaimutharasu

ORDER

The instant writ petition has been filed by an Aspirant to the post of Jailer (Special Prison for Women) pursuant to the Notification No.25/2022 dated 14.09.2022, challenging the provisional selection list for the appointment to the post of Jailer.

2. According to the learned Counsel appearing for the writ petitioner, a candidate has to obtain a certificate containing the physical measurement, certification as to the physical fitness and capacity for active outdoor work from the medical board in the State of TamilNadu. Such a certificate has to be produced on the date of oral test, failing which the application will be rejected after due process.



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3. The learned Counsel appearing for the petitioner submits that the third respondent who has been provisionally selected has only produced a medical certificate from an individual doctor from Rajiv Gandhi Government Medical College Hospital, Chennai, dated 03.09.2023, and not a certificate issued by the medical board in the state of TamilNadu. However, relying upon the said certificate, the third respondent has been provisionally selected to the above said post. According to the learned Counsel appearing for the writ petitioner, the petitioner is in the rank No.1 in the reserved list and in case, if any vacancy arises, the name of the petitioner maybe considered.

4. The learned Standing Counsel appearing for the second respondent has filed a counter, contending that a medical certificate of the board alone has to be accepted for being admitted to the oral test. However, by mistake one of the staff members have admitted the third respondent for oral test based upon the certificate issued by a individual doctor. Disciplinary proceedings are being contemplated as against the said staff. It is further contended that, thereafter the certificate issued by the medical board was produced by the third respondent and it has also been accepted by the



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TNPSC. The learned counsel appearing for the Respondent Public Service Commission relying upon the paragraph No.12 of the counter, further submitted that the mistake of the staff is only due to similarity between the certificate issued by an individual doctor and certificate issued by the Board.

5. The learned Counsel appearing for the third respondent herein had contended that a call letter for appearing to the oral test was uploaded in the website of TNPSC, on 04.09.2023, calling upon the candidates to appear for the oral test on 14.09.2023, at 08.30a.m. This uploading in the website was noticed by the writ petitioner only on 10.09.2023, and when she approached the Rajiv Gandhi Medical College hospital for obtaining fitness certificate from the medical board, she was informed that the board is being constituted only in the interval of ten days and as such the board would not be constituted before the date of oral test namely 14.09.2023. Therefore, the third respondent had obtained a certificate from the individual doctor from the same hospital and produced it on the date of oral test. Thereafter, the petitioner has appeared before the board and the certificate issued by the medical board has also been submitted to the TNPSC. He further contended that the medical board is not being constituted on a day to day basis, the



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petitioner was constrained to obtain such a certificate from an individual doctor which would not in any way affect the recruitment or selection of the third respondent.

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

7. It is no doubt true that the notification prescribes that a fitness certificate should be obtained only from the medical board of the Government Hospital in the State of TamilNadu. The Court can take a judicial notice of the fact that the Boards are not being constituted on day to day basis, but, they are being constituted on regular intervals. More so, in the interval of ten days. In such an event, when a oral test is fixed on a particular day, a candidate would not be in a position to get a certificate from a medical board which could not be convened before the date of the oral test. In such circumstances, the third respondent has obtained a certificate from a Government Doctor from the Rajiv Gandhi Hospital, Chennai and produced the same. On a later point of time, the third respondent has also appeared before the medical board and the board has also certified with regard to the physical fitness of the petitioner to the post of Jailer(Women).



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8. In such circumstances, this Court does not find any merits in the challenge made to the provisional selection list published by the second respondent for schedule caste (Arunthathiar) PSTM quota Jailer (women).

9. In view of the above said facts, this writ petition stands dismissed with a direction to the second respondent commission to consider the name of the petitioner, if her name falls within the zone of consideration and pass orders in accordance with law.

10. With the above said observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Principal Secretary to Government,
State of Tamil Nadu,
Prisons and Correctional Services Department,
Secretariat, Fort St., George, Chennai-600 009.

2. TamilNadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, VOC Nagar, Park Town,
Chennai-600 003.



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R.VIJAYAKUMAR,J.

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