

W.P.(MD)No.10822 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10822 of 2017
and
W.M.P.(MD).Nos.8241 of 2017
and 184 of 2020

G.Subramanian

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by Secretary to Government,
Personnel and Administrative Reforms (S) Department,
Secretariat,
Chennai.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.
- 3.The District Collector (Development),
Pudukottai District,
Pudukottai.
- 4.The Director,
Rajya Sainik Welfare Board,
Directorate of Ex-Serviceman Welfare,
No.22, Raja Muthaiah Salai, Chennai 03.
- 5.The Assistant Director of Ex-Servicemen's Welfare,
Virudhunagar at Srivilliputhur,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the fifth Respondent in Na.Ka.No: 1789/2017/A.4, dated 22.05.2017 and quash the same and directing the fifth respondent to issue the bonafide certificate as per the requirement of the second respondent to join petitioner an Assistant in School Education, Tamil Nadu Ministerial Service, for which petitioner provisionally selected under the order dated 17.05.2017 in Registration No.290415007/Rank No.300907 in Combined Civil Services Examination-II 2014-2015 and 2015-2016 (Non Interview) (Group IIA Services) or in the alternative issue a mandamus directing the second respondent to treat the bonafide certificate dated 17.01.2014 issued by the fifth respondent as sufficient for the present job offered to him by appointment order dated 17.05.2017.

For Petitioner : Mr.M.Karthikeya Venkatachalapathy

For R-1, R-3
& R-5 : Mr.S.Kameswaran,
Government Advocate

For R-2 : Mr.V.Paneerselvam,
Standing Counsel



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ORDER

This Writ Petition has been filed challenging the order dated 22.05.2017, passed by the fifth respondent, rejecting the petitioner's request for issuance of Bonafide Certificate as per the requirement of the second respondent to enable the petitioner to join as an Assistant in the School Education Department, Tamil Nadu Ministerial Service.

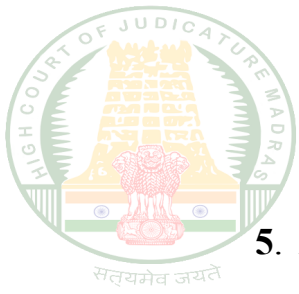
2. The petitioner got provisionally selected to the post of Assistant in the School Education Department, Tamil Nadu Ministerial service. In order to enable him to join as Assistant in the School Education Department, Tamil Nadu Ministerial Service, he has to produce the Bonafide Certificate issued by the fifth respondent disclosing that he belongs to the Ex-Serviceman category. However, in the impugned order dated 22.05.2017, the request of the petitioner for issuance of Bonafide Certificate has been rejected by the fifth respondent on the ground that the said Bonafide Certificate can be given only once and since the petitioner had already obtained the Bonafide Certificate on 17.01.2014 itself and had got employment as Junior Assistant in the Panchayat Union, Ponnamaravathi, the question of granting the Bonafide Certificate once again does not arise.



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WEB COP 3. According to the petitioner, since he had resigned from his earlier job as Junior Assistant, G.O.(Ms).No.89, Personnel and Administrative Reforms (S) Department, dated 12.08.2015, relied upon by the respondents has konwn applicability and therefore, the reasons given for rejection of the petitioner's request for issuance of Bonafide Certificate under the impugned order is arbitrary and illegal.

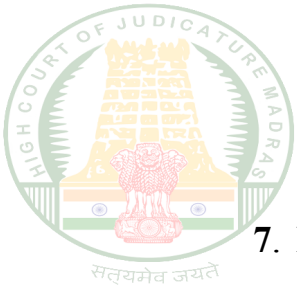
4. A counter affidavit has been filed by the second respondent denying the contentions of the petitioner in this Writ Petition. They still reiterated that G.O.(Ms).No.89, Personnel and Administrative Reforms (S) Department, dated 12.08.2015, makes it clear that once a candidate has already obtained the Bonafide Certificate to disclose that he / she belongs to Ex-Serviceman category and he / she had obtained employment based on the same, he / she is not entitled to once again seek for issuance of Bonafide Certificate. The respondents have also contended that the petitioner has suppressed the fact that he had obtained the Bonafide Certificate earlier and had also obtained employment as Junior Assistant based on the same.



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5. Admittedly, while seeking for fresh employment as Assistant in the School Education Department, Tamil Nadu Ministerial Service, the petitioner has suppressed the fact that he had obtained employment as Junior Assistant in the Panchayat Union, Ponnamaravathi and he had joined the said employment on 26.02.2014 based on the Bonafide Certificate issued by the fifth respondent disclosing that he is an Ex-Serviceman. The proviso to G.O.(Ms).No.89, Personnel and Administrative Reforms (S) Department, dated 12.08.2015, makes it clear that once a candidate has been given a job in the Government service under the Ex-serviceman category based on a Bonafide Certificate and he / she has also joined the said employment, the said candidate cannot seek for fresh employment and cannot seek for fresh issuance of Bonafide Certificate disclosing that he / she belongs to the Ex-Serviceman category. Both on the ground of suppression of material facts as well as G.O.(Ms).No.89, Personnel and Administrative Reforms (S) Department, dated 12.08.2015, the petitioner is not entitled for the relief sought for in this Writ Petition.

6. The fifth respondent had rightly rejected the petitioner's request for issuance of Bonafide Certificate by rightly applying G.O.(Ms).No.89, Personnel and Administrative Reforms (S) Department, dated 12.08.2015.



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7. For the foregoing reasons, this Court is of the considered view that

there is no merit in this Writ Petition and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Personnel and Administrative Reforms (S) Department,
Secretariat,
Chennai.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.
- 3.The District Collector (Development),
Pudukottai District,
Pudukottai.
- 4.The Director,
Rajya Sainik Welfare Board,
Directorate of Ex-Serviceman Welfare,
No.22, Raja Muthaiah Salai, Chennai 03.
- 5.The Assistant Director of Ex-Servicemen Welfare,
Virudhunagar at Srivilliputhur,
Virudhunagar District.

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ABDUL QUDDHOSE, J.

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