

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15044 of 2015

Goverthanan

.. Petitioner

-vs-

Tamil Nadu Uniformed Services

Recruitment Board, No.807, P T Lee

Chengalvarayana Naicker Building,

2nd Floor, Anna Salai, Mount Road, Chennai.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to permit the petitioner (registration no.654096) to write the examination which is going to be held on 24.05.2015.

For Petitioner : Mr.G.Suresh

For Respondents : Mr.P.H.Aravind Pandian,
Addl. Advocate General, assisted by
Mr.V.R.Kamalanathan,
Addl. G.P.

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

A perusal of our order dated 27.07.2015 shows that it was conceded on that date on behalf of the petitioner that unless the petitioner succeeded in getting the punishment imposed by the Commandant set aside, which had been assailed in W.P.No.26216 of 2011, that would stand in the way of the eligibility of the petitioner. This is in terms of Rule 14 of Special Rules for Tamil Nadu Police Subordinate Service, 1978, and as per para 6 of the Notification 1/15 dated 08.02.2015. Rule 14, sub-clause 'c' in Column 3 of Category 5 in Annexure II, reads as under:

'14.Special Qualifications:

No person shall be eligible for appointment to the class and category specified in column (1) of Annexure II to those rules unless he is of the age limit for appointment otherwise than by promotion specified in column (2) and possesses the qualification prescribed in the corresponding entry in column (3) thereof.
...

Annexure II
(Qualifications in Column 3 for Category 5)

Provided further that the persons directly recruited from among the members of the service in categories 7 and 8 Class I and also from among the members in categories 4, 5 and 6 of the TNSPSS, must possess
(a) ...
(b) ...
(c) clean record without any punishments other than the minor punishments of Black Mark, Reprimand or Censure in the five years preceding the date of notification of selection.'

Para 6 of the Notification 1/ 15 dated 08.02.2015 reads as under:

6.Eligibility for applying under 20% Police Departmental Quota:

i. Police Constables and Head Constables and their equivalent ranks in the Armed Reserve Police and Tamil Nadu Special Police can apply under 20% Departmental Quota if they meet the following eligibility criteria under Rule 14 of TNPSS Rules, 1953.

a. They should have completed 5 years of service as on the date of notification.

b. They should have a clean record without any punishment other than the minor punishment of black mark, reprimand or censure.'

2.The petitioner has been unsuccessful in his challenge to the order of punishment dated 22.02.2010 and the writ petition challenging the same in W.P.No.26216 of 2011 has been dismissed by us by order dated 26.08.2015. In such circumstance, the embargo placed under Rule 14, sub-clause 'c' in Column 3 of Category 5 in Annexure II read with Para 6 of the Notification dated 08.02.2015 would operate and the petitioner is rendered ineligible to apply under the 20% Departmental Quota as he has suffered a punishment.

3.We may also note that in pursuance to the interim order granted by this Court, the petitioner appeared for the written test and cleared the same and further appeared for the physical tests in view of directions thereafter, but in those physical tests, he has failed.

4.Thus, for both the aforesaid reasons, the petition really does not survive and it is, accordingly, dismissed. No costs.

sra

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

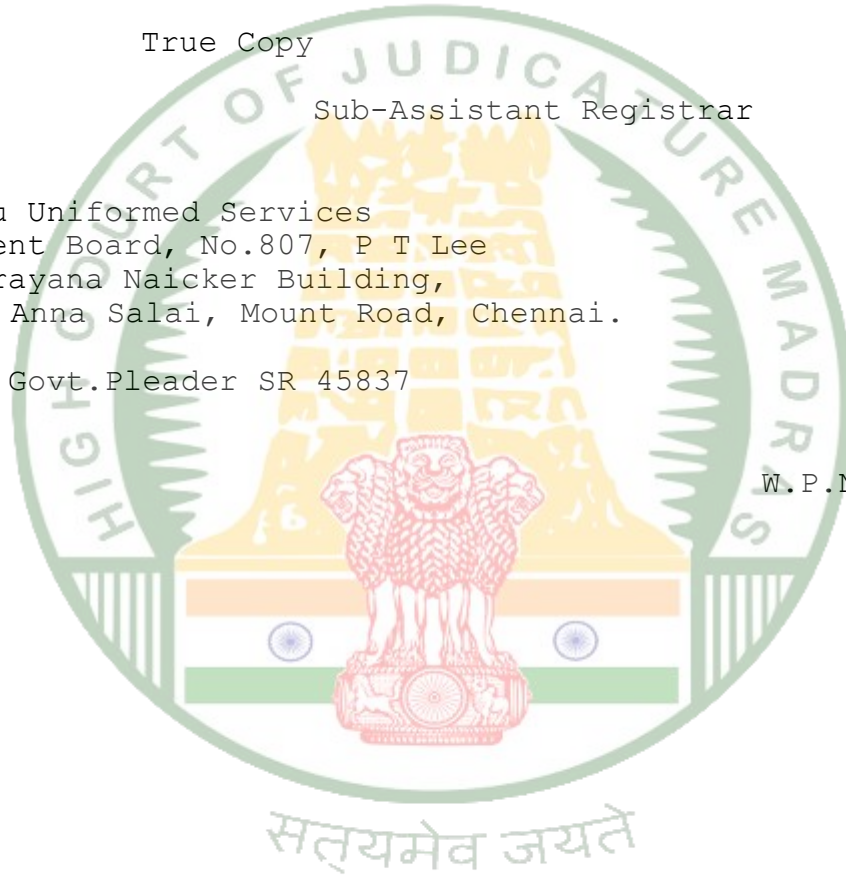
To

Tamil Nadu Uniformed Services
Recruitment Board, No.807, P T Lee
Chengalvarayana Naicker Building,
2nd Floor, Anna Salai, Mount Road, Chennai.

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