

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2015

CORAM

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

W.P.No.27005 of 2015
and
M.P.Nos.1 and 2 of 2015

D.Anbarasan ... Petitioner

-vs-

- 1.The Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai-9.
 - 2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai-4.
 - 3.The Chairman,
Tamil Nadu Uniformed
Service Recruitment Board,
Egmore,
Chennai-8.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in connection with the impugned order passed by him on 21.8.2015 (Enrolment No.5102175) disqualifying the petitioner to participate in the next stage of selection and to quash the same and further direct the respondents to permit the petitioner to participate in the next stage of selection namely viva voce or in the alternate to consider the claim of the petitioner under PSTM quota and direct him to participate in the subsequent stage of selection for the post of Sub Inspector of Police (M).

For Petitioner : Mr.K.Venkatramani
Senior Counsel
for
M/s.M.Muthappan

For Respondents : Mr.P.H.Arvinth Pandian
Addl. Advocate General
assisted by
Mr.STS.Moorthy, Govt. Pleader
Mr.V.R.Kamalanathan, Addl. G.P.

ORDER

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

The petitioner, who is a departmental candidate applied in pursuance to the notification dated 08.02.2015 for the post of Sub Inspector of Police. The petitioner took the written test, in which he qualified and then went through the Physical Endurance Test. However, though he cleared the Physical Endurance Test, he could not go to the next stage of viva-voce as he did not fall within the zone of consideration of 1:2 ratio prescribed.

2. The petitioner now seeks to file the present writ petition, not on the aforesaid ground, but claiming that being a candidate who had studied in Tamil medium at school level, he is entitled to vertical reservation.

3. In respect of the aforesaid claim, if the notification dated 08.02.2015 is seen, paragraph 7 of Section II of the notification deals with provisional select list, Sub-clause (e) of which prescribes 20% of all vacancies to be set apart on preferential basis for the persons who studied graduation in Tamil medium.

4. In respect of the aforesaid, G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010 has also been produced before us, of which, the relevant portion is extracted as under:-

"3.Manner of selection for appointment - Twenty percent of all vacancies in the appointment in the services under the State which are to be filled through direct recruitment shall be set apart on preferential basis to persons studied in Tamil medium."

5. A conjoined reading of the aforesaid, thus, shows that the benefit which is extended is not a vertical reservation but a preference i.e. if two people are identically situated, the preference would be given to the candidate who studied Tamil as medium of instruction at school level. However, such preference is only for 20% of the candidates, who may be part of the provisional list.

6. The petitioner having not fallen within the zone of consideration, the stage for applying this preference has not arisen and it is not the case of vertical reservation.

7. The learned counsel for the petitioner referred to another recruitment process by the Tamil Nadu Public Services Commission, which would have no application to the present case as the Government Order aforesaid and the notification for recruitment are quite clear and for different positions. The petitioner having participated through the process and now unfortunately not gone to the final stage of viva-voce, seeks to find some excuse for assailing the selection list.

8. We are not inclined to entertain the writ petition.

9. In the result aforesaid, the writ petition is dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home (Police) Department,
Fort St. George,
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- 2.The Director General of Police,
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- 3.The Chairman,
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Chennai-8.

+ 1 cc to Mr.M. Muthappan, Advocate SR.49046

W.P.No.27005 of 2015

KM(CO)
EU 28.09.15

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