

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. Nos.27201 and 27202 of 2015

A.Manova Devanesan Jebastin Petitioner in WP.27201/15

S.Babu Petitioner in WP.27202/15

-Vs-

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to
Govt., Home (Pol.VI) Dept.,
Fort St. George, Chennai 09.
2. Tamil Nadu Uniformed Service
Recruitment Board, Rep. By its
Member Secretary, Chennai 600002. Respondents in both WPs

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to award 5 marks to the petitioners under the Category of Special Marks as per Clause 7 (4) of the 2nd respondent's notification No.1/2015 dated 08.02.2015 and in terms of the 1st respondent's Government Order in G.O. Ms.No.461 dated 10.06.2009 and consequently direct the respondents to select and appoint the petitioners for the post of Sub-Inspector of Police (Taluk).

For Petitioners : Mr.T.Sellapandian

For Respondents : Mr.P.H.Aravindh Pandian,
Addl. Adv. General, assisted by
Mr.S.T.S.Murthi, Govt. Pleader.

O R D E R

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

In the recruitment process for Sub-Inspectors in pursuance to the notification dated 08.02.2015, the petitioners appeared as in-service candidates. Under Clause 6 of the notification, special marks have to be assigned. The said clause reads as under:

''6.SPECIAL MARKS

Open Quota candidates will be given Special marks for their participation in NCC, NSS and Sports. Departmental Quota candidates will be given Special marks for medals in National Police Duty Meets. The details are furnished in Annexure-III.''

2. There is no dispute that the petitioners before us are entitled to the special marks, but were prevented from appearance in the Viva Voce on the basis of the cut-off ratio of 1 : 2 post the Physical Endurance Test.

3. The controversy emanates from the department seeking to give the benefit of such special marks only after Viva Voce while the petitioners' claim that they are entitled to the benefits even before Viva Voce keeping in mind the fact that they are departmental candidates and their services are with the department and thus, there is no issue of verification of their entitlement. If such benefit is given, undisputedly the petitioners would qualify for declaration of the result.

4. We are inclined to give the relief to these petitioners as the case of departmental candidates cannot be equated with outside candidates in this behalf, as there is no verification of certificates required in their cases. They are the candidates who have earned laurels for the department in sports and it would be unfair and inequitable to deprive them of the benefits of having earned laurels for their department, which they are entitled to in terms of the brochure and seeking to shut them out only because the credit is given post the Viva Voce stage.

5.We, thus, allow the writ petitions and direct that the results of these petitioners be declared according to merit. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

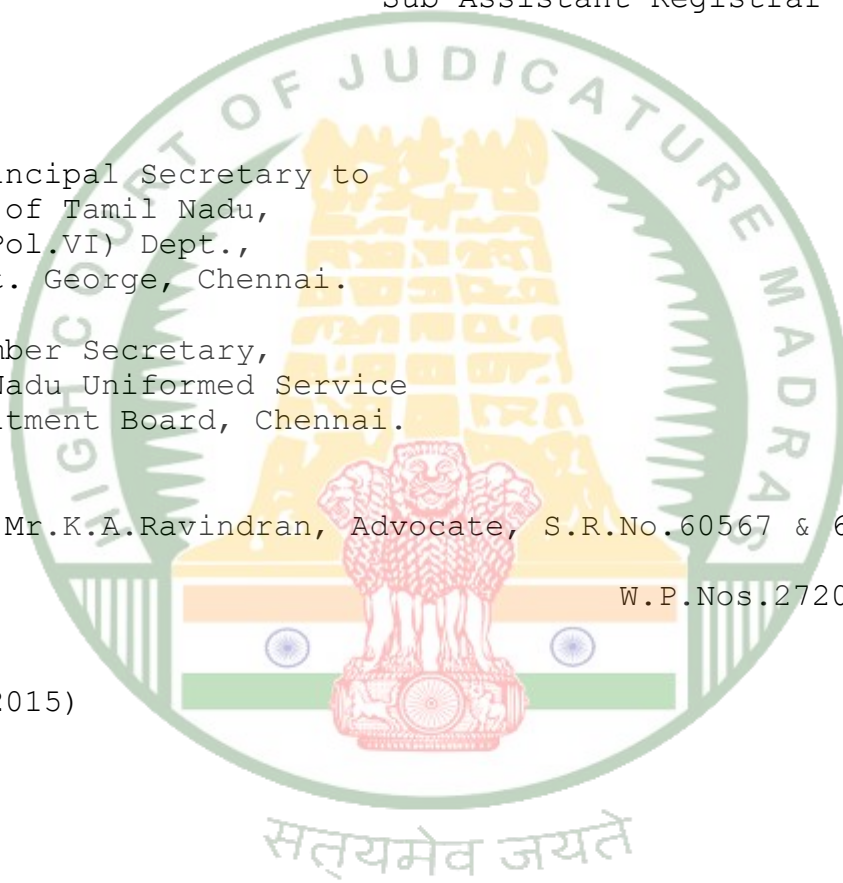
To

1. The Principal Secretary to
Govt. of Tamil Nadu,
Home (Pol.VI) Dept.,
Fort St. George, Chennai.
2. The Member Secretary,
Tamil Nadu Uniformed Service
Recruitment Board, Chennai.

+2cc's to Mr.K.A.Ravindran, Advocate, S.R.No.60567 & 60568

W.P.Nos.27201 and 27202
of 2015

GJ(CO)
CA(25/11/2015)



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