

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. No.28664 of 2015

V.Kavitha

... Petitioner

-vs-

1.State of Tamil Nadu,
Rep. By its Secretary to
Govt., Home Dept.,
Fort St. George, Chennai-9.

2.Tamil Nadu Uniformed Service
Recruitment Board, Rep. By its
Member Secretary, Pantheon Road,
Egmore, Chennai-8.

... Respondents

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the case of the petitioner for the selection and appointment to the post of Sub-Inspector of Police (Taluk) by calling the petitioner for viva-voce to be held from the second week of September 2015 onwards or in any other succeeding months after adding 5 special marks to the petitioner and make further selection in accordance with the notification issued by the Second respondent on 08.02.2015.

For Petitioner : Mr.R.Viduthalai, S.C.
For M/s.R.Revathy

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

O R D E R

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

In the recruitment process for Sub-Inspector in pursuance to the notification dated 08.02.2015, the petitioner appeared as an in-service candidate. 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 petitioner is entitled to the special marks, but she was 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 petitioner's claim that she is entitled to the benefits even before Viva Voce keeping in mind the fact that she is a departmental candidate and her services are with the department and thus, there is no issue of verification of her entitlement. If such benefit is given, undisputedly the petitioner would qualify for declaration of the result.

4. We are inclined to give the relief to the petitioner 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 the petitioner out only because the credit is given post the Viva Voce stage.

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

sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sra

To

1.The Principal Secretary to
Govt. of Tamil Nadu,
Home Dept.,
Fort St. George, Chennai-9.

2.The Member Secretary,
Tamil Nadu Uniformed Service
Recruitment Board, Pantheon Road,
Egmore, Chennai-8.

+1 CC to M/s.R.Revathy Advocate. SR.NO. 60437

+1 CC to Govt.Pleader. SR.NO. 61212

W.P.No.28664 of 2015

CO-SV
JD 24/11/2015

सत्यमेव जयते

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