

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, THE CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No. 30365 of 2015
and
M.P. No. 1 of 2015

D. Venkatesan

... Petitioner

vs.

1. The Secretary to Government
Police II (Home) Department
Fort St. George, Chennai-600009.

2. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai-4.

3. The Tamil Nadu Uniformed Services
Recruitment Board
Rep. by its Chairman
Anna Salai, Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the candidature of the petitioner under the Sports Quota for the Post of Sub Inspector of Police for the year 2015 based on the Form III Certificate obtained by the petitioner on 18.9.2015.

For Petitioner : Mr. A. Tamilrajan

For Respondents : Mr. P.H. Aravind Pandian
Additional Advocate General
assisted by Mr. S.T.S. Murthi
Government Pleader.

O R D E R
(Made by The Hon'ble The Chief Justice)

The petitioner applied for recruitment to the Sub Inspector post in pursuance to the Notification issued on 08.02.2015 as 'sports category candidate'. To buttress his case as 'sports category candidate', the petitioner produced a certificate from the Tiruvallur University issued on 05.04.2010 stating that he had represented the University in Athletic Meet during the year 2009-2010.

2. The respondents treated the case of the petitioner as sports category candidate in view of the aforesaid, though the norms required that the event was to be relatable to the period within five years prior to the date of the Notification. Such decision is stated to have taken place on account of the year being mentioned as 2009-2010 and thus, there was a possibility that that event was relatable to the period post 08.02.2010, the petitioner could have availed of that benefit. The petitioner in the written examination obtained sufficient marks in the sports category to go to the next stage of the physical endurance test and cleared the same. However, on verification of certificate during viva-voce, it was found that the event was relatable to December, 2009 and thus, the certificate could not be available to the petitioner for being considered in the sports category.

3. The petitioner, if he is treated as a non-sports category candidate, he has not secured the minimum required marks in the written test and thus, no solution is possible even by treating him as general category candidate.

4. Learned counsel for the petitioner states that he has now produced another certificate relating to Boxing, which he has got in an event held from 13.02.2010 to 27.02.2010 and that may be considered. Firstly, the certificate was not produced originally, while making the application and secondly, the certificate has been issued on 18.09.2015, much later, and it only states that the petitioner participated in an event organized by the Banaras Hindu University.

5. We are, thus, not inclined to entertain the request of the petitioner that having reached the viva-voce, he should be permitted to go through, since that would amount to discrimination against others who may be eligible.

6. The writ petition accordingly stands dismissed. No costs. Consequently, M.P. No. 1 of 2015 is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ATR

Copies to;

1. The Secretary to Government
Police II (Home) Department
Fort St. George, Chennai-600009.
2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.
3. The Tamil Nadu Uniformed Services
Recruitment Board
Rep. by its Chairman
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+1cc to Mr.A.Tamilrajan, Advocate, S.R.No.52540

W.P. No. 30365 of 2015

GJ(CO)
CA(09/10/2015)

सत्यमेव जयते

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