

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

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

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33563 of 2015

and

M.P.No.1 of 2015

R.Vinothkumar

... Petitioner

-vs-

1. The State of Tamilnadu,
rep. by its Secretary to Government,
Department of Home,
Government of Tamilnadu,
Fort St. George,
Chennai-600 009.

2. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board (TNUSRB),
Pantheon Road, Egmore,
Chennai-600 008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the candidature of the petitioner in the category of Schedule Caste under the "Sports Quota" for section to the post of Sub Inspector of Police (Taluk) by virtue of Notification, subject to becoming eligible by obtaining requisite marks.

For Petitioner : Ms.R.Maheswari

For Respondents : Mr.P.H.Arvinth Pandian
Addl. Advocate General
assisted by
Mr.V.Shanmugasundar
Government Advocate

ORDER

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

The petitioner has applied under the sports category for recruitment to the post of Sub Inspector of Police in pursuance to the advertisement published on 08.02.2015. It may be noticed that the petitioner, though, belonging to the Scheduled Caste category, did not apply under that category. The petitioner made the cut off mark to go to the next stage of Physical Endurance Test under the sports category and the certificates are verified post events, which are held. At the stage of verification of the certificates, it came to light that the participation, which the petitioner was relying upon, was in respect of the Kabaddi event, which was held from 15.11.2009 to 19.11.2009 for the academic year 2009-2010 and in that capacity, he had been issued with Form 3 certificate. Sports events only up to 5 years prior to 08.02.2015 would have been reckoned for the purpose of giving this benefit as per the advertisement and thus, the event had been held prior to that. The result was that, the petitioner did not get the benefit of the sports category and thus was not called for the Viva-Voce.

2. The learned counsel for the petitioner contends that the event was held in the year 2009-2010 and thus, benefit should be extended to him. This plea cannot be accepted for the reason that the event is of 15-19/11/2009, which is prior to the cut off date. The learned counsel also seeks to plead that the Kabaddi event is largely held in the months of November and December. We would not like to go into the question as to when the Kabaddi events are held. Suffice to say that as to when the event is held normally is not a question before us, but the uniform practice which is followed is of observing the cut off date of five years from the date of notification.

3. We are unequivocally of the view that the petitioner is not entitled to the benefit of the recruitment under the sports category.

4. We did endeavour to see if the petitioner qualified in case his candidature was considered as only a Scheduled Caste candidate without the benefit of sports category. However, in that eventuality, the petitioner does not make the cut off mark level post written test and would not even make it to Physical Endurance Test stage.

5. We may note that we have dealt with the issue of cut off date even in our earlier order passed in W.P.No.30365 of 2015, decided on 28.09.2015 (D.Venkatesan v. The Secretary to Government, Police II (Home) Department, Fort St. George, Chennai-600 009 and others).

6. In view of the aforesaid facts and circumstances, we are not inclined to entertain the request of the petitioner in the present proceedings.

7. The writ petition, accordingly, stands dismissed. No costs.
Consequently, M.P.No.1 of 2015 is closed.
Bbr

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
Department of Home,
Government of Tamilnadu,
Fort St. George,
Chennai-600 009.
2. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board (TNUSRB),
Pantheon Road, Egmore,
Chennai-600 008.

+1 C.C. To MR.R.Maheswari, Advocate in SR.NO.57203

+1 C.C. To Government Pleader in SR.NO.57770

W.P.No.33563 of 2015

KK(CO)
sd : 30/10/2015

सत्यमेव जयते
WEB COPY