

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.38593 of 2015
and M.P.No.1 of 2015

Manjula

.. Petitioner

-vs-

- 1.The Secretary to Government
Home (Police II) Department,
Fort St. George, Chennai.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 3.The Member Secretary,
T.N. Uniformed Services Recruitment
Board, Egmore, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned Notification published by the 3rd respondent in Notification No.01/2015 (Advertisement No.1/15) dated 08.02.2015 and quash the same in so far as Clause No.5, 7(1) of Section - I in respect of 10% Sports Quota, prescribing eligibility for event held within 5 years preceding the date of notification is concerned and further direct the respondents to accept the form III Certificate produced by the petitioner and call for the petitioner (Enrolment No.1103722) for further course of selection for the post of Sub Inspector of Police (Women).

For Petitioner : Mr.T.Ayngaraprabhu

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

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O R D E R
(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner participated in the process of recruitment of Sub-Inspectors initiated by notification dated 08.02.2015 as a departmental candidate on the basis of her eminence in sports under the Sports Quota. In the examination which was held, the petitioner obtained the cut-off marks for the sports quota. We may add here that had the petitioner been considered without the benefit of sports quota in the ST category, she would not have made the cut-off marks.

2.The petitioner was successful in the Physical Endurance Test and made it to the interview stage, but was ultimately not granted the benefit of the sports certificates, as those were beyond the period of five years from the date of the notification - a pre-condition imposed in the notification. The relevant clause of the notification in this behalf is as under:

'7. ELIGIBILITY FOR APPLYING UNDER 10% SPORTS

QUOTA:-

i.Candidates applying under 10% Sports Quota should fulfill all the norms prescribed for open candidates. In addition, the candidate is required to produce Form-I, Form-II or Form-III for the approved 14 games/sports for an event held within 5 years preceding the date of notification to be eligible.'

The result of the aforesaid was that the petitioner did not find herself in the ultimate merit list.

3.The petitioner now, the exam process having been completed, seeks to assail this clause providing for restriction on the benefit of the sports quota only for candidates whose certificates have been obtained in the last five years.

4.Firstly, this is a highly belated challenge with all process being completed and final results being declared. The petitioner, if aggrieved, was required to challenge this requirement at the earlier stage. Even otherwise, we see nothing wrong with the stipulation, as if a candidate seeks the benefit of sports quota, he should be performing well in the context of proximity to the time of the examination and as to what should be the proximity, has to be left to the exam controlling authorities.

5.We may notice that this is not the sole case of its kind and a number of cases have come up where once the certificates were found to be beyond the period of five years (albeit one month as stated in the present case), we have opined that the

candidate cannot claim the benefit of the exam process under any other category. This is so, as the cut-off marks after the written examination are different for different categories and as explained aforesaid, the petitioner did not make the cut-off for the ST category in which she wants her case now to be examined.

6.The aforesaid issues have been examined in W.P.No.30365 of 2015, decided on 28.09.2015 (D.Venkatesan vs. The Secretary to Government, Police II (Home) Department, Fort St. George, Chennai and Others) and in W.P.No.33563 of 2015, decided on 16.10.2015 (R.Vinothkumar vs. The State of Tamilnadu, rep. by its Secretary and another).

7.In view of the aforesaid position, we cannot come to the rescue of the petitioner in this matter.

8.Writ petition stands dismissed. No costs. Consequently, M.P.No.1 of 2015 also stands dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government
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- 2.The Director General of Police,
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- 3.The Member Secretary,
T.N. Uniformed Services Recruitment
Board, Egmore, Chennai.

+1 cc to Mr.M.Muthappan Advocate sr.65801
+1 cc to Government pleader sr.65932

W.P.No.38593 of 2015

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