

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.11720 of 2016

K.Arun

.. Petitioner

-vs-

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

2.The Chairman/Director General
of Police, Tamil Nadu Uniformed
Services Recruitment Board,
Anna Salai, Chennai.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to consider the case of the petitioner under 20% PSTM (persons studied in Tamil medium) quota and further direct the respondents to call for the petitioner for the next stages of selection.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.P.H.Aravind Pandian
Addl. Adv. General,
assisted by Mr.S.T.S.Murthi, G.P.
& Mr.V.R.Kamalanathan, Addl.G.P.

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O R D E R

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

The petitioner applied under the open quota for recruitment to the post of Sub-Inspector in pursuance to the advertisement dated 08.02.2015. The written test was held on 24.05.2015 and the result was declared on 18.07.2015. The petitioner did not

clear the written test and thus, the cause of action, if any, arose on 18.07.2015.

2.The process of recruitment, thereafter, continued with Physical Endurance Tests and thereafter, Viva Voce and the final provisional select list was published on 15.11.2015.

3.The present petition has been filed by the petitioner on 15.03.2016 seeking consideration of his case under the 20% PSTM (Persons Studied in Tamil Medium) quota.

4.The first aspect is at which stage is the benefit of this 20% PSTM to be granted. We have already held in W.P.No.27005 of 2015 (D.Anbarasan vs. The Secretary to Government, Home (Police) Department and others) decided on 08.09.2015, that the PSTM quota as applied by the respondents is in accordance with the norms and it has been so applied at the stage of Viva Voce. The petitioner wants it to be applied at the earlier stage. The relevant portion of the order is extracted as under:-

"2. The petitioner now seeks to file the present writ petition, not on the aforesaid ground, but claiming that being a candidate who had studied in Tamil medium at school level, he is entitled to vertical reservation.

3. In respect of the aforesaid claim, if the notification dated 08.02.2015 is seen, paragraph 7 of Section II of the notification deals with provisional select list, Sub-clause (e) of which prescribes 20% of all vacancies to be set apart on preferential basis for the persons who studied graduation in Tamil medium.

4. In respect of the aforesaid, G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010 has also been produced before us, of which, the relevant portion is extracted as under:-

"3.Manner of selection for appointment - Twenty percent of all vacancies in the appointment in the services under the State which are to be filled through direct recruitment shall be set apart on preferential basis to persons studied in Tamil medium."

5. A conjoined reading of the aforesaid, thus, shows that the benefit which is extended is not a vertical reservation but a preference

i.e. if two people are identically situated, the preference would be given to the candidate who studied Tamil as medium of instruction at school level. However, such preference is only for 20% of the candidates, who may be part of the provisional list.

6. The petitioner having not fallen within the zone of consideration, the stage for applying this preference has not arisen and it is not the case of vertical reservation."

5. The second aspect is the petitioner never submitted the relevant certificate for being considered under the PSTM quota and in fact, the occasion for the same also did not arise as the benefit would have been given at the Viva Voce stage. The petitioner has obtained the certificate on 07.01.2016 and filed the petition thereafter more than two months later.

6. Thus, even on account of delay and laches, the petitioner is not entitled to be considered.

7. We are finding that though we have monitored the whole process by considering petitions from time to time so that the exam process does not get delayed, some persons are deciding to wake up whenever they want and to somehow get recruited. This cannot be an endless exercise. We are of the view that this is a complete wastage of judicial time apart from being meritless.

8. We, thus, dismiss the writ petition with costs of Rs.5,000/- (Rupees five thousand only) to be deposited with the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, within fifteen (15) days from today.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

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

2.The Chairman/Director General
of Police, Tamil Nadu Uniformed
Services Recruitment Board,
Anna Salai, Chennai.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

Copy to:

The Assistant Registrar,
Tamil Nadu Mediation and
Conciliation Centre,
Madras High Court Campus,
Chennai.

W.P.No.11720 of 2016

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.20224

rsi (CO)
srg (21/04/2016)



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