

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.155 of 2016

K.Vinoth

.. Petitioner

Vs.

- 1.The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai-600 009.
 - 2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
 - 3.The Chairman,
T.N.Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.
 - 4.The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the respondents in connection with the impugned order passed by the third respondent dated 18.07.2015 (roll No.1122074) and quash the same and further direct the respondents to permit the petitioner to participate in the subsequent stage of selection to earmark separate cut off marks for each category for the persons studied in Tamil medium in pursuance of part II 6(e) of the Notification No.1 of 2015 for recruitment dated 08.02.2015, select and appoint the petitioner as Sub Inspector of Police under the open quota.

For Petitioner : Mr.A.Tamil Rajan

For Respondents : Mr.P.H.Arvinth Pandian
Addl. Advocate General
assisted by
Mr.STS.Moorthy
Government Pleader
Mr.V.R.Kamalanathan
Addl. Government Pleader
Mr.V.Shanmugasundar
Government Advocate

ORDER

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

The only question raised in this case is as to the stage at which preference has to be given to the candidates who have studied in Tamil medium at school level. This very aspect has been analysed by us in W.P. No.27005 of 2015 in our order dated 08.09.2015 with reference to the relevant Government Order.

2. The petitioner in the present case, undoubtedly, did not clear the written test and seeks to challenge the recruitment much after even the final list was published on 14.11.2015.

3. In our view, firstly the writ petition is highly belated, as the cause of action, if at all, arose in favour of the petitioner when he alleges that preferential benefit was not given to him at the stage of declaration of results and the candidates being called for the physical endurance tests. The result of the written test was declared on 18.07.2015 and the physical endurance tests were held from 3rd to 5th August, 2015. In such a vast recruitment process where more than 1.85 lakhs candidates had applied for 1078 posts, the petitioner cannot stand in the way of others.

4. In so far as the merit of the controversy is concerned, we are of the view that the issue is squarely covered against the petitioner in terms of our order in W.P. No.27005 of 2015 dated 08.09.2015 (D.Anbarasan vs. The Secretary to Government, Home (Police) Department, Fort St. George, Chennai-9 and others), the relevant portion of which 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. We are not inclined to entertain the writ petition.

6. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

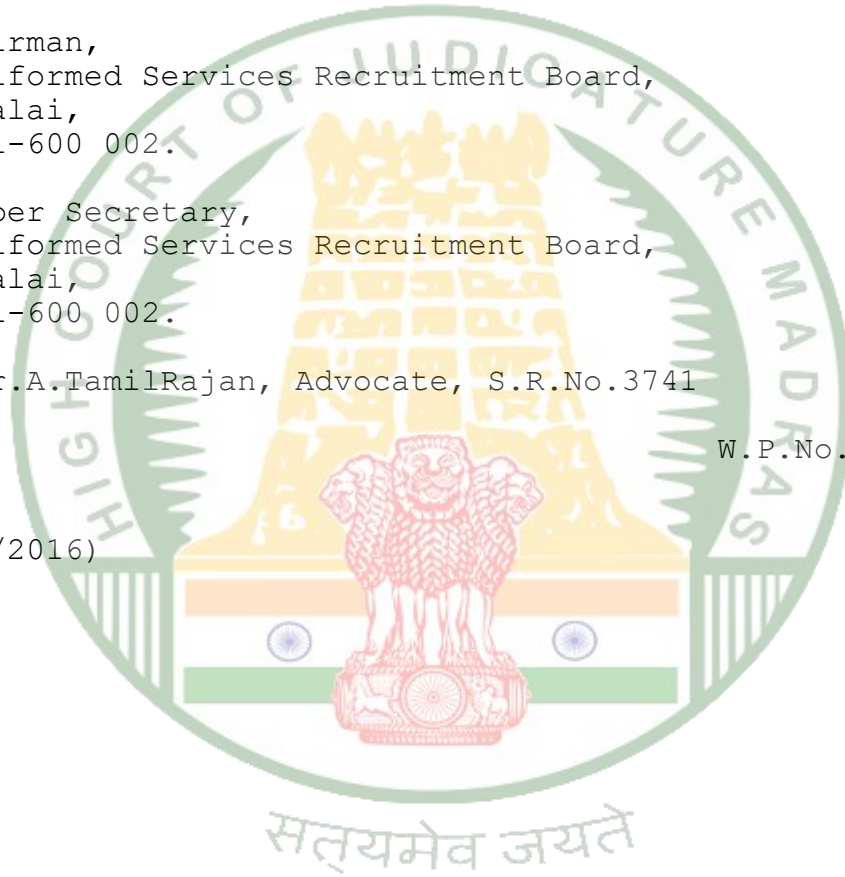
3.The Chairman,
T.N.Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.

4.The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.

+1cc to Mr.A.TamilRajan, Advocate, S.R.No.3741

W.P.No.155 of 2016

vsn(CO)
srg(05/02/2016)



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