



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.13759 of 2016

and

WMP(MD) .No.10264 of 2016

R.Murali

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. By its Secretary to Government,
Home Department,
Fort St. George,
Chennai - 09.

2.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai - 600 004.

3.Tamil Nadu Uniformed Services
Recruitment Board,
rep. By its Chairman,
807, II Floor, Anna Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a WRIT OF MANDAMUS to direct the 3rd and 2nd respondents to consider the petitioner's case for appointment to the post of Grade II Police Constable for the year 2012 within the time limit that may be stipulated by this Court.

For petitioner : Mr.G.Thalaimutharasu

For respondent : Mr.R.Anandaraj G.A.,

ORDER

R.Murali, who was one of the Most Backward Class candidates, participated in the written examination conducted on 24.06.2012 for the post of Grade - II Police Constable. He has also secured 51 marks in the written examination and 15 marks in the Physical Endurance Test, totally 66 marks he has secured. But his claim is, as per the information received by him under the RTI Act, for the aforesaid post, the cut off mark fixed for Most Backward Class candidates in Armed Reserve is, 73 marks, whereas, in the Tamil Nadu Special Police, Jail Warden and Firemen, it is



67 marks. As the petitioner has secured 66 marks, he was not selected due to shortage of one mark.

2. Learned Government Advocate appearing for the respondents by producing a copy of the list of cut off marks for O.C., B.C., B.C.M., M.B.C., S.C., S.C.A., and S.T. candidates for Armed Reserve - Men Police Constables, Armed Reserve - Women Police Constables, TSP Men Police Constables, Jail-Warder and Firemen, submitted that in respect of 20% vacancies earmarked for M.B.C. Candidates in the category of Armed Reserve - Men Police Constables, the cut off mark has been fixed as 73 marks. In respect of 20% vacancies earmarked for M.B.C. Candidates in the category of Armed Reserve - Women Police Constables, the cut off mark has been fixed as 56 marks.

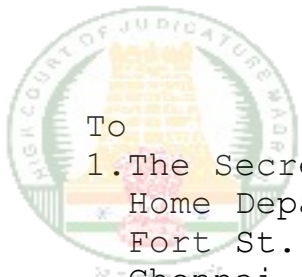
3. He further submitted that similarly, in respect of 20% vacancies earmarked for M.B.C. Candidates in the categories namely, TSP Men - Police Constables, Jail-Warder and Firemen, 67 marks has been prescribed as the cut off marks for all the above categories, therefore, the petitioner who has not secured the cut off marks, has wrongly come to this Court erroneously thinking that cut off mark to his category is 56, which is actually the cut off mark for the category of Armed Reserve - Women Police Constables. Moreover, after the selection to the post of Grade II Police Constable in the year 2012, another selection was also taken place for the post of Grade II Police Constable in 2015, therefore, it is not proper on the part of the petitioner to approach this Court in 2016 challenging the selection made in 2012, he pleaded.

4. This Court finds merits on the submission made by the learned Government Advocate for two reasons. Firstly, the petitioner has to be held guilty of delay and laches. The reason is, for the selection took place in the year 2012, he has come to this Court only in the year 2016. Secondly, even if the case of the petitioner is considered on merits, he cannot be selected, as he has not secured the required cut off mark as stated above. Contending that 56 mark is the cut off mark, the petitioner has come to this Court, which is actually the cut-off mark for the category of Armed Reserve - Women Police Constables, therefore, the writ petition is liable to be dismissed, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/



To

1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 09.

WEB COPY

2.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai - 600 004.

3.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
807, II Floor, Anna Salai,
Chennai - 600 002.

+1cc to Mr.G.Thalaimutharasu, Advocate SR.No.41462
+1cc to the Special Government Pleader SR.No.41535

SKN

sm:SK-SKN:SAR III:11.08.2016:3P/6C

W.P (MD) .No.13759 of 2016
and
WMP (MD) .No.10264 of 2016

02.08.2016