



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

**W.P (MD) No.17174 of 2016**

**and**

**W.M.P (MD) No.12452 of 2016**

T.Senthilkumar

: Petitioner

Vs.

1.The Director General of Police,  
Chairman,  
Tamil Nadu Uniformed Services Recruitment Board,  
P.T.Chengalvarayanaicker Maligai,  
No.807, 2<sup>nd</sup> Floor,  
Anna Salai,  
Chennai - 600 002.

2.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.

: Respondents

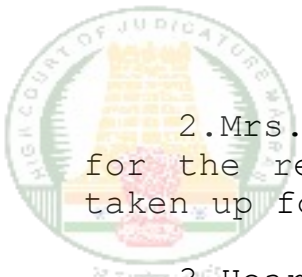
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records and quash the impugned order passed by the first respondent in his proceedings in C.No.D2/355/2016, dated 03.08.2016 on the ground that the same is arbitrary, illegal and without jurisdiction and consequently directing the first respondent to appoint the petitioner for the post of Grade-II Constable(2012)/ Firemen/Tamil Nadu Special Police/Jail Warden.

For Petitioner : Mr.M.Sankar

For Respondents : Mrs.S.Bharathi,  
Government Advocate.

### **O R D E R**

This writ petition has been filed praying to quash the impugned order passed by the first respondent in his proceedings in C.No.D2/355/2016, dated 03.08.2016 and also seeking a direction to the first respondent to appoint the petitioner for the post of Grade-II Constable(2012)/Firemen/Tamil Nadu Special Police/Jail Warden.



2.Mrs.S.Bharathi, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.The case of the petitioner is that the petitioner herein applied for the post of Police Constable-Grade II in the year 2012. He also attended the written test conducted by the respondents. He had also cleared the written test, followed by physical measurement, entrance test and physical efficiency test. On 22.08.2012, he participated in the above tests and on the same day, his certificates were also verified. After that also, the petitioner qualified himself in the height measurement and physical test. He belongs to BC category. He was not selected by the first respondent, because of the reason that he was born on 08.01.1993, whereas the cut off date was 07.07.1992. Except for this reason, the petitioner is qualified for the post in other respects. Therefore, the petitioner sent a detailed representation on 18.01.2016, requesting the first respondent to appoint him to the said post. As there was no response, the petitioner filed a writ petition in W.P(MD)No.2225 of 2016, seeking a direction to the first respondent therein to appoint him for the post of Grade-II Constable (2012) on the basis of his representation, dated 18.01.2016.

5.In the said writ petition, this Court directed the first respondent to consider the representation of the petitioner, dated 18.01.2016 and to pass appropriate orders on merits and in accordance with law. Accordingly, the first respondent considered the representation of the petitioner dated 18.01.2016 and passed the impugned order dated 03.08.2016 in C.No.D2/355/2016, rejecting the request made by the petitioner.

6.The grievance of the petitioner is that even though he has secured 66 marks, he was not selected only based on the date of birth. The representation has been considered by the first respondent and the first respondent has passed an order stating that as per para (13) of information brochure, if more than one candidate secures the same cut off marks, then senior in age will be accommodated first in the vacancies available in the provisional select list. The cut off mark for B.C. candidates for firemen was 66 and the date of birth of last selected B.C. candidate was 07.07.1992. Though the petitioner has secured 66 marks, his date of birth is 08.01.1993. Therefore, the petitioner is junior in age to the last selected candidate, whose date of birth was 07.07.1992. It was also informed that a total of 83 candidates including the petitioner were not selected for the post of Fireman. Though they secured 66 marks and the petitioner is in the 12<sup>th</sup> place in the 83 un-selected candidates list and therefore a reasonable order has been passed and there is no scope for

quashing the proceedings.

7.The learned counsel for the petitioner made a request to consider the candidature of the petitioner in the future vacancies arisen. The chance of the petitioner is being considered, depends upon his eligibility, competency and suitability. Under such circumstances, if the eligibility criteria and the competency criteria permit, then it is open to the petitioner to apply and compete with other candidates.

8.With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

1.The Director General of Police,  
Chairman,  
Tamil Nadu Uniformed Services Recruitment Board,  
P.T.Chengalvarayanaicker Maligai,  
No.807, 2<sup>nd</sup> Floor, Anna Salai, Chennai - 600 002.

2.The Superintendent of Police,  
Virudhunagar District, Virudhunagar.

+1 cc to The Special Government Pleader in SR.No. 51947/2016

**smn**

**CSL/EM-MPA/21.10.2016: 3p/4c**

**ORDER MADE IN**  
**W.P(MD)No.17174 of 2016**  
**and**  
**W.M.P(MD)No.12452 of 2016**  
**12.09.2016**