

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.31671 of 2017

and

W.M.P.Nos.34800 & 34801 of 2017

M.Maheshwaran

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Old Commissioner of Police Office Compound,
Pantheon Road,
Egmore, Chennai-8.

2.Tamil Nadu Uniformed Services Recruitment Board,
rep. by its Member Secretary,
Old Commissioner of Police Office Compound,
Pantheon Road, Egmore,
Chennai-8.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records from the 1st respondent relating to the result published by the respondents on 09.09.2017 under the heading 'Common Recruitment of Gr.II Police Constables, Gr.II Jail Warders & Firemen 2017 Individual Marks of the Candidates' and quash the same insofar as it does not award half mark to the petitioner for the NCC certificate held by him under the Special Marks Column, declaring him as "Not Selected" under the heading "Remarks" and to consequently to direct the respondents to award half mark to the petitioner for NCC certificate as a result of which his total marks would be 67 1/2 marks i.e., more than the cut off mark of 67 marks, issued appointment order to the petitioner with effect from the date the other candidates who participated for selection along with the petitioner and declared selected on 09.09.2017 together with all monetary, service and other benefits.

For Petitioner : Mr.K.Srinivas Murthy

For Respondents : Mr.K.Venkataramani, AAG

assisted by Mr.V.Jayaprakash Narayanan,
Spl GP (For R1 & R2)

ORDER

Mr.K.Venkataramani, learned Additional Advocate General, took notice for the respondents.

2.This writ petition has been filed by the petitioner praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the 1st respondent relating to the result published by the respondents on 09.09.2017 under the heading 'Common Recruitment of Gr.II Police Constables, Gr.II Jail Warders & Firemen 2017 Individual Marks of the Candidates' and to quash the same insofar as it does not award half mark to the petitioner for the NCC certificate held by him under the Special Marks Column, declaring him as "Not Selected" under the heading "Remarks" and consequently to direct the respondents to award half mark to the petitioner for NCC certificate and to issue appointment order to him.

3.It is stated that the petitioner has studied 12th standard. He belonged to the Most Back Ward Community (MBC/DNC). He has also obtained NCC Certificate issued by the Ministry of Defence, Government of India. On 23.01.2017, the respondents published an Advertisement No.117 calling for applications to fill up the vacancies in the posts of Gr.II Police Constable, Gr.II Jail Warder and Fireman. The petitioner applied for the same and took part in the written test held on 21.05.2017. Subsequently, he also participated in Physical Measurement Test. The petitioner secured 67 marks in total (written test -52, Physical Test-15). However, he is unable to come with the zone of consideration.

4.The grievance of the petitioner is that he has obtained NCC A-certificate, as such during the course of certificate verification, the respondents ought to have awarded 1/2 mark, which has not been done on the ground that the date of birth has been hand-written in the said certificate. The learned counsel for the petitioner submitted that when the photo of the petitioner is clearly printed on the A-certificate issued by the Deputy Director General of National Cadet Corps, the respondents ought not to have declined to consider the certificate for awarding mark. Therefore, according to the learned counsel for the petitioner, the respondents shall be directed to award 1/2 mark, with consequential direction to permit the petitioner to go for medical test and antecedents verification.

5.Mr.K.Venkataramani, learned Additional Advocate General, appearing for the respondents submitted that at the time of certificate verification, the petitioner's NCC A-Certificate was produced and on scrutiny, since it was found that the date of birth of the petitioner has not been properly written, a doubt was entertained with regard to his date of birth. Hence, the respondents have not awarded mark.

6.But, a perusal of the original certificate clearly shows that the petitioner has been issued with NCC A-Certificate by

the Deputy Director General of National Cadet Corps and in the certificate, the photo of the petitioner has been clearly printed at the top of the certificate. Further, the Notification issued by the respondents would show that a candidate, who has been issued with NCC A-Certificate is entitled to get 1/2 mark. Under such circumstance, not awarding 1/2 mark, in my considered opinion, is wholly untenable. Hence, the petitioner is hereby awarded 1/2 mark. The respondents are directed to permit the petitioner to take part in the medical test & then to do antecedent verification and issue provisional selection order to the petitioner if he is found fit.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssv

To

- 1.The Director General of Police,
Office of the Director General of Police,
Old Commissioner of Police Office Compound,
Pantheon Road,
Egmore, Chennai-8.
- 2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Compound,
Pantheon Road, Egmore,
Chennai-8.

+1cc to Government Pleader SR.No.87443
+1cc to M/s.Row & Reddy Advocate SR.No.87106

sm:29.12.2017

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