

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.33073 of 2017 and
W.M.P.No.36495 of 2017

K.Azhaguvel

.. Petitioner

Vs

1.The Chairman

Tamilnadu Uniformed Services Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008

2. The Member Secretary

Tamilnadu Uniformed Services Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to follow the social justice and give 5 special marks to the petitioner and select him to the post of Gr.II Police Constable vide advertisement no.117 based on G.O.Ms.No.939 dated 24.09.1986, G.O.Ms.No.410 dated 24.12.1992 and certificate of intercaste marriage dated 21.10.2016.

For petitioner : Mr.S.Kumaradevan

For Respondents : Mr.K.Venkataramani
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to follow the social justice and give 5 special marks to the petitioner and select him to the post of Gr.II Police Constable vide advertisement no.117 based on

G.O.Ms.No.939 dated 24.09.1986, G.O.Ms.No.410 dated 24.12.1992 and certificate of intercaste marriage dated 21.10.2016.

2. Learned counsel appearing for the petitioner would submit that the petitioner married a Muslim girl, namely, M.Noorjhagan and the same is a intercaste marriage. When the 2nd respondent invited applications for the post of Grade - II Police Constables, Grade II Jail Warders and Fireman, 2017 vide advertisement no.117, petitioner applied for the said post in January, 2017. Subsequently, he also took part in the written examination with registration no.0413694 at Deivanai Ammal Women College, Trichi main road, Villupuram and he was also permitted to write the written examination on 21.05.2017 and qualified to attend the Physical Endurance Test (PET) with 50/80 marks. Thereafter, he was also called for PET Test, then, he has also taken part in the said test and passed with full marks, namely, 15.

3. Adding further, learned counsel for the petitioner contended that the petitioner's name was not found place in the provisional selection list, as he scored only 65 marks out of 90 marks. Since the petitioner belongs to SC Community and he has married a Muslim girl, namely, Noorjhagan and obtained intercaste marriage certificate, in accordance with G.O. Ms.939 dated 24.09.1986, G.O.Ms.No.53 dated 12.12.1988 and G.O.Ms.No.410 dated 24.12.1992, he should be given priority to any public civil post, during selection. But, in the present case, although petitioner has secured 65 marks, the respondents have not come forward to give any priority to him, therefore, a direction may be issued, he pleaded.

4. Learned Additional Advocate General appearing for the respondents submitted that the petitioner has come to this Court to award 5 marks on the ground that the petitioner belongs to Scheduled Caste Community, Hindu Adi Dravidar Community and married a Muslim girl, namely, Noorjhagan and obtained intercaste marriage, cannot be accepted. He further contended that though G.O.Ms.939 dated 24.09.1986, G.O.Ms.No.53 dated 12.12.1988 and G.O.Ms.No.410 dated 24.12.1992, also says that priority should be given, in the present case, petitioner has not come within the zone of consideration, as he has secured only 65 marks, but, the respondents have fixed cut off mark for SC Category as 68 marks, therefore, pleaded to dismiss the writ petition.

5. Heard the learned counsel on either side and perused the documents available on record.

6. I fully agree with the submissions made by the learned Additional Advocate General. As rightly pointed out by the learned Additional Advocate General, petitioner, who belongs to

SC category, has secured only 65 marks, but, the respondents have fixed the cut off mark as 68 for the same category, hence the petitioner has not come within the zone of consideration. Apart from that, learned Additional Advocate General has produced an order passed by the Hon'ble Division Bench of this Court in W.P.No.11719 of 2016 [A.Gokula Arun V. the Secretary to Government, Home (Police) Department, Fort St. George, Chennai] in support of his contention, wherein it is held that when recruitment notification does not envisage any quota for inter-caste marriage, the terms and conditions of the recruitment can certainly not be changed, more so, after everything is over, the petitioner cannot come to this Court.

7. Taking note of the submissions made on either side and the order passed by the Hon'ble Division Bench of this Court, mentioned supra, the Writ Petition fails and the same stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1. The Chairman
Tamilnadu Uniformed Services Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008
2. The Member secretary
Tamilnadu Uniformed Services Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008

+ 1 cc to Mr.S.Kumaradevan Advocate, SR.90808

+ 1 cc to The Govt.Pleader, SR.91098

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nr 07/02/2018