

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.24712 of 2017

E.Jaganathan

.. Petitioner

-vs-

The Member Secretary
Tamil Nadu Uniformed
Services Recruitment Board
Old Commissioner of Police Campus
Pantheon Road, Egmore
Chennai 600 008

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to award marks for NCC certificates produced by the petitioner at the time of Certificate Verification dated 01.08.2017 and to award 65 marks in total and consequently select and appoint the petitioner to the post of Grade II Jail Warder/Fireman under BC category based on merits and selection.

For Petitioner:: Mr.G.Sankaran

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

सत्यमेव जयते
ORDER

This writ petition has been filed by a candidate who has secured 63 marks i.e., 51 marks in the written examination and 12 marks in the physical efficiency test conducted by the Tamil Nadu Uniformed Services Recruitment Board, for selection to the post of Grade II Jail Warder/Fireman.

2. The petitioner applied for the aforementioned posts and he was assigned Enrollment No.0200093 by the respondent. Subsequently, he appeared for the written test held on 21.5.2017 and he qualified in the written examination by securing 51 marks. Thereafter, he was also awarded 12 marks in the physical efficiency test. Finally he was directed to take part in the

certificate verification held on 1.8.2017. Learned counsel for the petitioner submitted that when the petitioner appeared for the certificate verification held on 1.8.2017, he has produced the original NCC-C certificate. However, the controversy relates only to the non-enclosure of the xerox copy of the NCC-C certificate along with the application. Even the respondent has admitted that the petitioner had shaded column no.25(9) in the application, but failed to enclose the copy of the NCC-C certificate along with the application. One of the proceedings dated 21.9.2017 issued by the Deputy Inspector General of Police, Kanchipuram range to the Inspector General of Police, TNUSRB, Chennai shows that during the certificate verification, when the petitioner submitted the NCC certificate, the same was attested and included by the Administrative Officer. But it has not been brought to the notice of the board inadvertently and has been appended and sent to USRB. Therefore, he submitted that the petitioner has to be awarded 2 more special marks for the NCC-C certificate and if the said marks are awarded, the petitioner would be getting 65 marks, which is more than the cut-off marks prescribed by the respondent for BC category for the post of Grade II Jail Warder/Fireman.

3. When the respondent has contended before this Court that the petitioner failed to enclose the xerox copy of the NCC-C certificate along with the application, this Court could see that he had shaded column no.25(9) to indicate that he has enclosed the NCC-C certificate. Subsequently, when he appeared for certificate verification on 1.8.2017, the Administrative Officer of the respondent also, during the certificate verification, has accepted the NCC-C certificate and attested the same. Had the petitioner not enclosed the xerox copy of the NCC-C certificate along with the application, then the Administrative Officer ought not to have received it and ought to have rejected the candidature of the petitioner then and there, citing a reason that the petitioner failed to enclose the xerox copy of the NCC-C certificate while sending the application, which has not been done in this case. Therefore, this Court is unable to agree with the stand taken by the respondent that the petitioner failed to enclose the xerox copy of the NCC-C certificate with the application. In any event, as the petitioner has produced the original NCC-C certificate, since he has already secured 63 marks, by awarding 2 marks for NCC-C certificate, he comes within the zone of consideration by securing 65 marks in total, which is more than the cut-off marks of 64 for BC category. Therefore, the respondent is directed to consider the case of the petitioner for issuing the appointment order.

4. It is at this stage, the learned Additional Advocate General for the respondent submitted that even though the petitioner has now secured 65 marks, he has to cross two more

stages of selection process, namely, to get a medical fitness certificate from the Medical Board and also a certificate as to the antecedents, on verification.

5. The submission made by the learned Additional Advocate General is recorded. Since the petitioner now comes within the zone of consideration after the award of the aforementioned special marks (2 marks) for NCC-C certificate, it is for the respondent to consider the case of the petitioner and proceed further, after subjecting the petitioner to the Medical Board for obtaining a certificate of medical fitness and obtaining a certificate as to his antecedents, for issuance of the appointment order, as per the marks secured by the petitioner, in any of the categories of posts to which he is entitled to. Needless to mention that the entire exercise shall be completed by the respondent within a period of four weeks from the date of receipt of a copy of this order. With this observation, the writ petition stands allowed. Consequently, W.M.P.No.26074 of 2017 is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ss

To

1. The Member Secretary
Tamil Nadu Uniformed
Services Recruitment Board
Old Commissioner of Police Campus
Pantheon Road, Egmore
Chennai 600 008

- + 1 cc to Mr.G.Sankaran Advocate, SR.78911
+ 1 cc to The Govt.Pleader, SR.79291

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GP (CO)
NR 09/11/2017