

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.24882 of 2017

R.Saravanan

..Petitioner

-vs-

The Tamil Nadu Uniformed  
Services Recruitment Board  
rep.by its Member Secretary  
Egmore  
Chennai 600 008

Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of non-selection of the petitioner dated 08.09.2017 issued by the respondent herein through website and quash the same, consequently direct the respondent to appoint the petitioner as Grade II Police Constable or Grade II Fireman or Grade II Jail Warden by awarding 3 special marks for the certificates of the petitioner as per the clause 31 of recruitment notification of the respondent dated 23.01.2017 forthwith.

For Petitioner :: Mr.M.R.Jothimanian

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

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ORDER

This writ petition has been filed by a candidate who has secured 65 marks i.e., 50 marks in the written examination and 15 marks in the physical efficiency test conducted by the Tamil Nadu Uniformed Services Recruitment Board, for selection to the post of Grade II Police Constables/Grade II Jail Warders/Firemen.

2. The petitioner applied for the aforementioned posts and he was assigned Enrollment No.1010947 by the respondent. Subsequently, he appeared for the written test held on 21.5.2017

and he qualified in the written examination by securing 50 marks. Thereafter, he was also awarded 15 marks in the physical efficiency test. Finally he was directed to take part in the certificate verification held on 28.7.2017. Learned counsel for the petitioner submitted that although the petitioner is fully qualified and he has also participated in the certificate verification held on 28.7.2017 and produced all the original certificates including the NCC-B & C certificates, NSS certificate and sports certificates and that the petitioner has also made an endorsement that all the original certificates were received from the respondent safely, after physical verification of the same, however, when the results were published by the respondent on 8.9.2017 through website, he was found not selected. Finally, on verification, it was found that the respondent has not awarded special marks viz., 2 marks for NCC-B & C certificates,  $\frac{1}{2}$  mark for NSS certificate and  $\frac{1}{2}$  mark for sports certificates. Since 67 marks have been fixed by the respondent for MBC category, had the respondent awarded 2 marks for NCC-B & C certificates,  $\frac{1}{2}$  mark for NSS certificate and  $\frac{1}{2}$  mark for sports certificates, the petitioner would have secured more than the cut-off marks i.e., 68 and he would have been automatically selected. Now the original NCC-B & C certificates, NSS certificate and the sports certificates produced by the petitioner clearly show that the petitioner should have been awarded 3 more special marks. Since the respondent has failed to award 3 more special marks, the petitioner cannot be penalised. Therefore, a direction should be issued to the respondent to select the petitioner, as he has secured 68 marks.

3. A detailed counter affidavit has been filed by the respondent. The learned Additional Advocate General for the respondent submitted that the contention made by the learned counsel for the petitioner that at the time of taking part in the certificate verification, the petitioner had produced the original of NCC-B & C certificates, NSS certificate and sports certificates, is totally unacceptable, because he has not produced any of the aforementioned certificates. The reason is that an officer at the level of Superintendent of Police, who was physically verifying the genuineness of the certificates, has seen that the petitioner has miserably failed to produce the aforementioned certificates and he has also filed an affidavit stating that the petitioner has not produced the aforementioned certificates. Therefore, the claim of the petitioner cannot be accepted.

4. But the reply filed to the counter affidavit clearly shows that the petitioner has appeared before the certificate verification committee and produced the original NCC-B & C certificates, NSS certificate and the sports certificates. After physical verification of the same by the certificate verification committee, they were all returned to the petitioner and the petitioner has also made an endorsement stating that he

received all the aforementioned original certificates back from them. That shows that the petitioner has produced the aforementioned certificates and the respondent also, after verification, returned the same after taking an endorsement.

5. This Court has also seen the original NCC-B & C certificates, NSS certificate and the sports certificates produced by the petitioner. Therefore, the petitioner, who has secured 65 marks i.e., 50 marks in the written examination and 15 marks in the physical efficiency test, is to be awarded 3 more special marks, viz., 2 marks for NCC-B & C certificates,  $\frac{1}{2}$  mark for NSS certificate and  $\frac{1}{2}$  mark for sports certificates. In view of the award of the aforementioned special marks (3 marks), the petitioner comes within the zone of consideration. Therefore, he is found eligible and the respondent shall issue the appointment order to the petitioner.

6. It is at this stage, the learned Additional Advocate General for the respondent submitted that even though the petitioner has now secured 68 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. The learned Additional Advocate General also submitted that since the petitioner has secured only 68 marks, he is entitled to come under the second option exercised by him for the post of Fireman.

7. 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 (3 marks), 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.26270 of 2017 is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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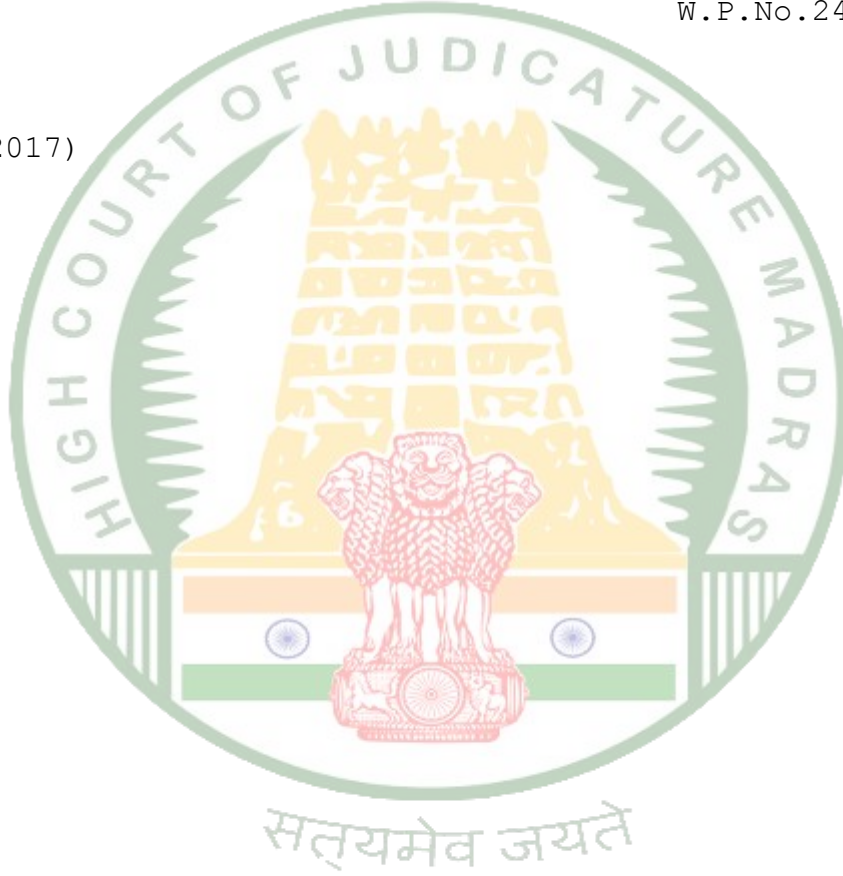
To

1. The Member Secretary  
Tamil Nadu Uniformed  
Services Recruitment Board  
Egmore  
Chennai 600 008

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.78890  
+1cc to the Government Pleader, S.R.No.79285

W.P.No.24882 of 2017

KGK(CO)  
GN(09/11/2017)



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