

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.12.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25432 of 2017

and

W.M.P.No.26874 of 2017

M.Balaji

..Petitioner

vs

1.The Chairman,
Tamilnadu Uniform Services Recruitment Board,
Old COP office Campus, Pantheon Road,
Chennai - 8.

2.The Secretary,
Tamilnadu Uniform Services Recruitment Board,
Old COP office Campus, Pantheon Road,
Chennai - 8.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to select the petitioner for the post of Grade II Constable in relation to notification No.117, examination No.1, Common recruitment of Grade II constable, Grade II Jail warders and Fire men for the year 2017 by the Tamilnadu Uniform Services Recruitment Board.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.K.VenkataRamani

Additional Advocate General

Assisted by Mr.A.RajaPerumal

Additional Government Pleader

सतयमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to the respondents to select the petitioner for the post of Grade II Constable in relation to notification No.117, examination No.1, Common recruitment of Grade II constable, Grade II Jail warders and Firemen for the year 2017 by the Tamil Nadu Uniformed Services Recruitment Board.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner has participated in the process of selection for the recruitment to the post of Grade II Constable and he had successfully passed the written examination and thereafter, called for an interview. The petitioner participated in Physical Verification Test, Physical Endurance

Test and Physical Eligibility Test and he secured 67 marks. The contention of the petitioner is that he was not considered under the "PSTM" quota and 20% of the posts are reserved for "PSTM". Contrarily his case was considered under "NPSTM" Category. The learned counsel for the petitioner states that if the case of the petitioner is considered under the "PSTM" category, then he would have been selected.

3.The learned Additional Advocate General appearing on behalf of the respondents relying on the counter statement filed by the 2nd respondent, made a submission that the petitioner secured 52 marks in written test and 15 marks in Physical Efficiency Test and there is no special marks for "PSTM" Category. Accordingly, the petitioner has secured 67 marks and his date of birth is 20th January 1996. No doubt, the petitioner has enclosed a copy of "PSTM" Certificate at the time of submitting his application and has shaded the relevant column in Serial No.25 of his application. However, at the time of selection, the petitioner was not considered under the "PSTM" category since the petitioner had failed to produce the original certificate at the time of certificate verification. Thus, the petitioner was considered under "NPSTM" SC Community. Under the said category, the petitioner has failed to reach the cut-off marks in "PSTM" and "NPSTM" as detailed below:

Sl.N o.	Post	Cut off Mark- NPSTM	Cut off DOB	Cut off Mark- PSTM	Cut off DOB
1.	Armed Reserve	74	13.07.199 3	72.5	05.05.199 0
2.	TSP	69	12.05.199 9	68	25.04.199 5
3.	Jail Warder	67	04.05.199 1	67	15.03.199 3
4.	Firemen	68	26.05.199 7	67	16.06.199 2

4.The learned Additional Advocate General is of the opinion that even under the "PSTM" category, the petitioner is not coming within the zone of consideration in view of the fact that even for "PSTM" category, the cut-off mark was 67 and based on the date of birth, another candidate, whose date of birth is 15.03.1993 was selected. Thus, in both the categories, the writ petitioner has not reached the zone of consideration and therefore, he cannot be considered for selection.

5.The learned counsel for the petitioner states that additional five marks to be awarded under the "PSTM" category.

However, the petitioner is unable to establish under what provision such additional mark is to be awarded. In the absence of establishing a right for granting additional marks, this Court cannot presume and grant any such marks to the petitioner. The process of selection should be conducted in accordance with the recruitment rules in force and as per the notifications issued at the time of inviting applications from the eligible candidates.

6.This being the factum of the case, this Court is of the opinion that the writ petitioner has not come within the zone of consideration and therefore, there is no infirmity in respect of the rejection of the writ petitioner in the selection process.

7.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.
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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
Tamilnadu Uniform Services Recruitment Board,
Old COP office Campus, Pantheon Road,
Chennai - 8.

2.The Secretary,
Tamilnadu Uniform Services Recruitment Board,
Old COP office Campus, Pantheon Road,
Chennai - 8.

DK(CO)
sm:28.12.2017

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W.P.No.25432 of 2017

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