

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.26853 of 2017

M.Mohan

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 and 2 herein to consider his representation dated 12.09.2017 and reminder dated 02.10.2017 pertaining to the selection of candidates for any one of the posts of Common Recruitment of Gr II Police Constables, Gr II Jail Warders & Firemen in Tamil Nadu Uniformed Services-2017 under Sports Quota to add the special marks of 3 with the marks of 67, the petitioner already obtained in written and physical tests to have an aggregate of 70 marks which is far more sufficient for the selection of the post in the above writ petition.

For petitioner : Mr.N.S.Malini

For Respondents: Mr.K.Venkataramani, AAG

Assist. By Mr.V.Jayaprakashnaranan,
Spl.GP

O R D E R

The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider his candidature for selection to any one of the posts of Common Recruitment of Gr II Police Constables, Gr II Jail Warders and Firemen in Tamil Nadu Uniformed Services - 2017 under Sports quota.

2. The petitioner applied under sports quota to any one of the posts of Common Recruitment of Gr II Police Constables, Gr II Jail Warders and Firemen-2017. He belongs to MBC category. In the written examination, he has secured 52 marks and he has also secured 15 marks in the physical tests. Whiles, it is the claim of the petitioner that since he applied for the said post under the sports quota, the respondent ought to have awarded 3 marks, for, 2 marks should be awarded if a candidate possessed 'C' Certificate in NCC and likewise, 1 mark should be awarded if a candidate participated in the Inter State Sports Events. Thus, it is claimed that since the petitioner has enclosed both the certificates, the respondent ought to have awarded 3 marks under sports quota and therefore, it is contended that had the petitioner been awarded with 3 marks, he would have obtained 70 marks in aggregate (52+15+3), which is much above the cut-off marks of 67.5 fixed for MBC category. Thus, on this score, it is stated that for the grave mistake committed by the respondents, the petitioner cannot be held responsible, hence, a direction should be issued to the respondents to consider his claim for selection to the said posts.

3. Per contra, it is stated by the learned Additional Advocate General that the petitioner, having secured 67 (52+15) marks both in the written test as well as physical test, is not eligible to be considered for the said post, as the cut-off marks for MBC category is 67.5 marks. It is also further stated that while applying for the said post, he has not enclosed the necessary sports certificates so as to eligible to add marks under sports quota.

4. This Court is unable to accept the above said contention. From the application submitted by the petitioner, it is seen that he has shaded all the boxes to depict that he has enclosed all the necessary certificates for applying under the sports quota. When the matter was taken up on 20.10.2017, this Court directed the counsel for the petitioner to produce the original 'C' Certificate in NCC and also the certificate obtained in Inter State Sports Events. Pursuant to this order, learned counsel for the petitioner has also produced those two original certificates, therefore, the claim of the respondents that since he did not produce the original certificate at the time of Certificate Verification, he cannot be awarded 3 marks under sports quota cannot be sustained.

5. Thus, in view of the above, the respondents are directed to award 3 marks (2 marks for obtaining 'C' Certificate in NCC and 1 mark for participating in Inter State Sports Events) under sports quota to the petitioner. If these 3 marks are added, the petitioner would naturally get 70 marks in aggregate, which is much above the cut-off marks of 67.5 fixed

for MBC category. Therefore, the respondents are directed to select the petitioner to the said post subject to the verification of his antecedents. With these directions, the writ petition is disposed of. No Costs. WMP.No.28589 of 2017 is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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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.

W.P.No.26853 of 2017

SJ(CO)
EU(07/11/2017)

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