

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44350 of 2016

R.Arunkumar

...Petitioner

vs.

1. The Director General of Police/ Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai-2.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to select and appoint the petitioner as Sub-Inspector of Police for the year 2015 under 20% Departmental quota.

For Petitioner : M/s.G.Bala and Daisy

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2.The petitioner is working as Grade II Police Constable and applied for selection and appointment to the post of Sub-Inspector of Police for the year 2015 from open market under 20% Departmental Quota and he was assigned with Reg.No.654303 and Departmental No.6000298. The petitioner has also appeared for the written examination and secured 62.5 marks and he was also asked to appear for certificate verification and he appeared and produced the educational qualification certificates and other testimonials. The grievance expressed by the petitioner is that though he has secured 62.5 marks and since his date of birth is

30.04.1987, by applying seniority on the basis of date of birth, persons who are similarly placed like him were selected and therefore, came forward with this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the petitioner belongs to Scheduled Caste category and secured 62.5 marks in the written examination and as such, his appointment to the post of Sub-Inspector of Police under 20% departmental quota ought to have been positively considered and since it was not done, the petitioner has been constrained to approach this Court with this writ petition.

4. Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents has drawn the attention of this Court to the judgment rendered by the First Bench of this Court dated 17.02.2016 made in W.P.No.3509 of 2016 and would submit that the First Bench after taking note of Sub-Clause 3 to Clause 7 (Provisional Select List) of the Selection Notification, has held that in case of persons securing same marks, date of birth will be the consideration for appointment and therefore, claim of the petitioner could not be considered.

5.This Court has considered the rival submissions and also perused the entire materials available on record.

6. It is relevant to extract Clause 7 of the selection notification:

"7.Provisional Select List

- a. Provisional Select List is drawn based on the total marks obtained in the Written Examination, Physical Efficiency Test, Viva-Voce and Special marks subject to communal reservation and total vacancies.
- b. If there is a tie in marks, the candidate senior in age shall be given priority in selection.
- c. If the marks secured are equal, preference shall be given to the candidate who is an outstanding scout, having received an award from the President of India.

d. If the candidate has qualified in both Departmental Quota and Open Quota, he/she will be considered under Departmental Quota only.

e. 20% of all vacancies shall be set apart on preferential basis for the persons who studied graduation in Tamil Medium.

f. The provisional select list will be published on www.tnusrbexams.net."

As per Clause 7 (b) of the selection notification, if there is a tie in marks, the candidate senior in age shall be given priority in selection and by adopting such procedure only, the claim of the petitioner was not considered. In the considered opinion of the Court, in the absence of any challenge to the said Clause, the petitioner is not entitled to succeed.

7. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Director General of Police/ Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai-2.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+1cc to the Government Pleader, S.R.No.5973

+1cc to Mr.G.Bala & Daisy, Advocate, S.R.No.5492(08/03/2017)

KS(CO)

RS(15/02/2017)

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