



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) No.13926 of 2017

and

W.M.P. (MD) Nos.10875 & 10876 of 2017

P.Bharath Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu,

Rep. by its Secretary to Government,
Home Department,
Fort St.George, Chennai - 9.

2.The Member Secretary,

The Tamilnadu Uniformed
Services Recruitment Board,
No.8, Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.

3.The Superintendent of Police,

Tirunelveli District,
Tirunelveli.

... Respondents

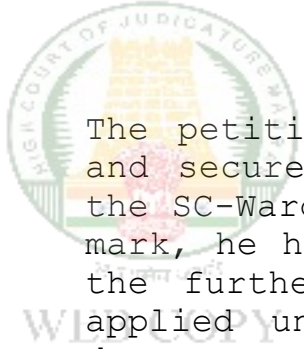
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the Respondents to consider the Petitioner (Enrollment No.3003742) under Schedule Category Police Ward quota and appoint as Grade-II Police Constable in respect of Common Recruitment for the posts of Grade II Police Constable Grade II Jail Warder and Fireman-2017 by the 2nd Respondent.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.B.Pugazhendhi,
Additional Advocate General
Assisted by Mr.D.Muruganantham,
Additional Government Pleader

O R D E R

The petitioner, having passed S.S.L.C, applied for the post of Grade -II Police Constables / Grad-II Jail Warders / Fireman - 2017, under the Wards quota (Scheduled Caste), since his father is working as Assistant Jailor in District Jail, Chengalpattu.



The petitioner, thereafter, took part in the written examination and secured 47 marks, whereas, 28 marks is the cut-off mark for the SC-Wards quota. Though the petitioner has cleared the cut-off mark, he has not been issued with the Hall Ticket to take part in the further round of test, because of the reason that he has applied under the Wards quota without enclosing the requisite documents and therefore, he should be treated under Scheduled Caste (General quota), for which, the cut off mark is fixed at 49 for TSP - JW and Firemen and 53 for Armed Reserve category. As he did not meet the minimum cut off mark under the Scheduled Caste (General quota), he was not issued with the Hall Ticket for the Physical Fitness cum Endurance Test. It was at this stage, this writ petition came to be filed.

2. When the matter was listed on 27.07.2017, this Court has passed the following order:

"...4. Prima facie, this Court could see that a mistake has been committed by the petitioner's father, for which, the petitioner cannot be penalised. The only chance available to the petitioner is to permit him to take part in the Physical Test which is going on for a week.

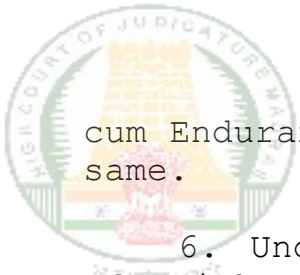
5. The Registry is directed to list the writ petition for filing counter affidavit on 07.08.2017.

6. In the meanwhile, the respondents are directed to permit the petitioner to take part in the ongoing selection process. This is subject to the result of the Writ Petition."

3. Pursuant thereto, the second respondent filed a counter affidavit, taking a stand that it is for the reason that the petitioner, while applying under the Wards quota, failed to enclose the requisite document to show that he is a candidate entitled to come under the Wards quota. On this score, the petitioner was rightly found disqualified to come under the Wards quota.

4. Admittedly, the petitioner cleared the cut off mark for Wards Quota and this Court, passed an interim order stating that the petitioner's father has committed a mistake, by not enclosing the proper certificate, while applying under the Wards quota. The petitioner has submitted the serving certificate of his father obtained from the District Jail Superintendent instead of Superintendent of Prison. It is clear that the mistake has been committed by his father, for which, the petitioner could not be deprived of, by not permitting him to participate in the subsequent rounds of test.

5. As directed by this Court on 27.07.2017, the petitioner has been given an opportunity to participate in the Physical Fitness



cum Endurance Test on 31.07.2017 and he was found qualified in the same.

6. Under such circumstances, this writ petition is disposed of, with a direction to the respondents to publish the results of the petitioner, forthwith, as he was found qualified in the Physical Fitness cum Endurance Test and allow the petitioner to participate in the subsequent rounds of tests, if any. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Home Department,
Fort St.George, Chennai - 9.

2.The Member Secretary,
The Tamilnadu Uniformed
Services Recruitment Board,
No.8, Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.

3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1cc to Mr.M.SARAVANAKUMAR,Advocate,SR.75422

+1cc to M/S.Special Government Pleader,SR.75780

W.P. (MD) No.13926 of 2017

30.08.2017

gk

KK/SKN RSK/SAR 2/06.09.2017/ 3P- 6C