



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2017

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.18135 of 2017

and

W.M.P. (MD) No.14601 of 2017

M.Vivek

... Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-08.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
The Recruitment Sub-Committee,
Dindigul, Dindigul District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the 1st respondent to select the Petitioner for the Post of Grade-II Constable under the Sports Quota for "Most Backward Class Community" in the common Recruitment for the posts of Gr.II Police Constables (Men, Women and Third Gender), Gr.II Jail Warders (Men and Women) and Firemen for the year 2017.

For Petitioner	:	M/s.M.Benazir begum
For Respondents	:	Mr.B.Pugalendhi
		Additional Advocate General
		Assisted by
		Mr.A.K.Baskara Pandian
		Special Government Pleader

O R D E R

This writ petition has been filed directing the 1st respondent to select the Petitioner for the Post of Grade-II Constable under the Sports Quota for "Most Backward Class Community" in the common Recruitment for the posts of Gr.II Police Constables (Men, Women and Third Gender), Gr.II Jail Warders (Men and Women) and Firemen for the year 2017.



2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Advocate General appearing for the respondents.

3. In the counter affidavit filed on behalf of the respondents it has been stated in Paragraph No.9 as follows:-

9. It is further submitted that the petitioner in his application had not enclosed the copy of the Form III certificate for sports quota. He has claimed sports quota and shaded box in column No.17 but not shaded relevant box i.e. Form-I, II, III and shaded column No.25(13) under the head of list of documents. The petitioner had produced the Form-III certificate in original at the time of certificate verification before the Sub-committee, Dindigul on 03.08.2017. In the report of Superintendent of Police, Dindigul district he has stated that the same was verified by the staff concerned and subsequently attested by the AO in xerox copy of Form-III. But during certificate verification the staff concerned and AO mistakenly shaded column in No.11 under the heading of sports quota as NO instead of YES in the coding sheet.

4. Subsequently, during the hearing on 15.11.2017, on the basis of the report filed by the respondents, this Court had required the respondents to produce the application of the petitioner with the enclosures submitted by the petitioner. Accordingly, the same has been placed before this Court today. On perusal of the same, it is noticed that in column 25(13) of the OMR sheet the petitioner had shaded the column for production of Form-III and submitted the said Form-III during the certificate verification before the Sub Committee on 31.08.2017 as stated in paragraph No.9 of the counter affidavit extracted supra.

5. However, it is seen from the statement made in the counter affidavit at paragraph No.9 that during the certificate verification, the staff concerned and the Assessment Officer has mistakenly shaded column 11 under the heading of sports quota as 'No' instead of 'Yes' in the coding sheet, which has lead to non-selection of the petitioner. Obviously the said mistake of not shading the sports quota was not on the part of the petitioner but on the part of the official respondents themselves and the petitioner cannot be blamed for the same.

6. In the light of the same, it is incumbent upon the concerned authorities to consider the application of the petitioner under the category of sports quota on merits and communicate as to whether the petitioner stands selected or not on or before 31.12.2017. Accordingly, this Writ Petition is disposed



of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

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Sub Assistant Registrar

To

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-08.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
The Recruitment Sub-Committee,
Dindigul, Dindigul District.

+1cc to Spl.Government Pleader Sr.No.89937

TA/CP

VB/KKR/SAR3/27/12/2017/3P/4C

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