

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2018

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE S.S.SUNDAR

W.A.No.1597 of 2018

- 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.Tamil Nadu Uniformed Services
Recruitment Board,
rep. by its Member Secretary,
Old Commissioner of Police Office Compound,
Pantheon Road,
Egmore, Chennai - 600 008.
- ... Appellants/Respondents

vs

M.Maheshwaran

... Respondent/Petition

Appeal filed under Clause 15 of Letters Patent against the order dated 06.12.2016 passed in W.P.No.31671 of 2017 on the file of this Court.

W.P.No.31671 of 2017

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified Mandamus calling for the records from the 1st respondent relating to the result published by the Respondents on 9.9.2017 under the heading Common Recruitment of Gr.II Police Constables Gr.II Jail Warders & Firemen 2017 Individual marks of the Candidates and quash the same insofar as it does not award half mark to the Petitioner for the NCC certificate held by him under the Special

marks column declaring him as Not Selected under the heading Remarks and to consequently to direct the Respondents to award half mark to the Petitioner for NCC Certificate as a result of which his total marks would be 67 1/2 marks i.e more than the cut off mark of 67 marks issue appointment order to the petitioner with effect from the date the other candidates who participated for selection along with the petitioner and declared selected on 09.09.2017 together with all monetary service and other benefits.

For Appellants .. Mr.P.S.Sivashanmugasundaram
Spl. Government Pleader

For Respondent .. Mr.K.Srinivasamurthy
for M/s.Row & Reddy

JUDGMENT.

(Judgment of the Court was made by S.S.Sundar, J.)

This writ appeal has been filed by the appellants against the order dated 06.12.2017 passed by the learned Single Judge of this Court in W.P.No.31671 of 2017.

2. The prayer in the writ petition reads thus:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue appropriate Writs, Orders or Directions and in particular a Writ in the nature of Certiorarified Mandamus after calling for the records from the 1st respondent relating to the result published by the Respondents on 9.9.2017 under the heading "Common Recruitment of Gr.II Police Constables, Gr.II Jail Warders & Firemen 2017 Individual Marks of the Candidates", quash the same insofar it does not award half mark to the Petitioner for the NCC certificate held by him under the Special Marks column, declaring him as "Not Selected" under the heading "Remarks" and to consequently direct the Respondents to award half mark to the Petitioner for NCC certificate as a result of which his total marks would be 67½ marks i.e. more than the cut off mark of 67 marks, issue appointment order to the Petitioner with effect from the date of the other candidates who participated for selection along with the Petitioner and declared selected on 9.9i.2017 together with all monetary, service and other benefits."

3. According to the respondent, he had applied for the post of Gr.II Police Constable, Gr.II Jail Warder and Fireman and had took part in the written test held on 21.5.2017. Subsequently, the respondent had participated in the Physical Measurement Test and secured 67 marks. However, he was unable to come within the zone of consideration.

4. The grievance of the respondent before the learned Single Judge was that he obtained NCC A-certificate and during the course of certificate verification, due to correction regarding date of birth in the NCC A-certificate, the appellants have not awarded half mark. According to the respondent, when the photo of the respondent clearly printed on the NCC A-certificate, the appellants ought not to have declined to consider the certificate for awarding the mark.

5. Upon consideration of the rival submissions, the learned Single Judge disposed of the writ petition by observing as under:

"6. But, a perusal of the original certificate clearly shows that the petitioner has been issued with NCC A-certificate by the Deputy Director General of National Cadet Corps and in the Certificate, the photo of the petitioner has been clearly printed at the top of the certificate. Further, the Notification issued by the respondents would show that a candidate, who has been issued with NCC A-certificate is entitled to get $\frac{1}{2}$ mark. Under such circumstances, not awarding $\frac{1}{2}$ mark, in my considered opinion, is wholly untenable. Hence, the petitioner is hereby awarded $\frac{1}{2}$ mark. The respondents are directed to permit the petitioner to take part in the medical test & then to do antecedent verification and issue provisional selection order to the petitioner if he is found fit."

6. The fact that the original NCC A-certificate produced by the respondent contains the year of birth of the respondent as 1998 instead 1999 and the same was found by the learned Single Judge as an error by mistake or inadvertence. The truth and genuineness of the NCC A-certificate is not in dispute. The inadvertent mistake in the said NCC A-certificate was also properly corrected by the authorities concerned.

7. In that view of the matter, there is nothing wrong to act on the corrected NCC A-certificate of the respondent. The learned Single Judge has applied his mind and found that the respondent is entitled to get half mark for the NCC A-

certificate obtained by him. We find no reason to interfere with the order of the learned Single Judge and the writ appeal is liable to be dismissed.

8. The writ appeal is, therefore, dismissed. No costs. Consequently, C.M.P.No.12829 of 2018 is closed. As directed by the learned Single Judge, the appellants are directed to permit the respondent to take part in the medical test and then to do antecedent verification and issue provisional selection order to the respondent, if he is found fit. The aforesaid exercise shall be completed within a period of two months from today.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bbr

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 - 600 008.

+1cc to Mr.Row & Reddy, Advocate, S.R.No.54965

+1cc to the Government Pleader, S.R.No.56052

W.A.No.1597 of 2018

VGII(CO)
GSP(06/09/2018)

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