

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 21506 of 2018
WMP.Nos.25254 & 25255 of 2018

1.H.Arunkumar
2.B.Nelson
3.J.Jayapal
4.N.Arunkumar
5.G.Ranjithkumar
6.G.Raju

...Petitioners

Vs.

Tamilnadu Uniformed Services Recruitment Board,
rep. by its Member/Secretary,
Old Commissioner of Police Campus,
Pantheon Road,
Egmore,
Chennai-8

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to call the petitioners for Physical Measurement Test, Endurance Test and Physical Efficiency Test for the appointment under the common recruitment to the posts of Grade II Police Constable, Grade II Jail Warder and Fireman, 2017-2018 under notification issued by the respondent in Advertisement No.217 under Sportsperson Quota based on their respective applications forthwith and to include their name in the provisional selection list as published in the respondent's official website.

For Petitioners : Mr.R.Neelakandan
For Respondent : Mrs. Narmadha Sampath, AAG,
assisted by Mrs.R.Janaki, AGP

ORDER

Heard Mr.R.Neelakandan, the learned counsel appearing for the petitioners and Mrs. Narmadha Sampath, the learned Additional Advocate General, who accepts notice on behalf of the respondents.

2.As it appears that the petitioners in this case are the applicants in the recruitment for the post of Gr-II PC, Jail Warden, Fireman in different wings of Tamil Nadu Police conducted by the sole respondent Recruitment Board, against the Sports Persons quota of 10%. Accordingly, they wrote the examination and secured the cut off marks and therefore, entitled for inclusion in the next round of the selection process i.e., Psychical Measurement, Psychical Endurance and Psychical Efficiency Test. However, their names were not included in the provisional list. The aforesaid being to their shock and surprise, they came to file the writ petition challenging such action of the respondent to be illegal and arbitrary and as such seeking a direction from this Court to the respondent to include them in the provisional list of selected candidates against the sports person quota inasmuch as they have secured the required cut off marks in the written examination and qualified sports persons.

3. During the course of hearing and admission, it is submitted that the petitioners have secured the required cut off marks in the written examination for the sports person in their respective category and also qualified sportsmen being issued with the necessary certificate for representing the State, which they had enclosed in their application form and as such, they could not have been denied with the selection to the second round of test which is the Psychical Fitness Test. Hence, such action of the respondents being illegal, the respondents be directed to include them in the provisional list to participate in the aforesaid second round of test.

4. The learned Additional Advocate General appearing for the respondent, submits that the petitioners have no case inasmuch as they have never obtained the certificate for representing the State from appropriate institution/ organisation and as such inspite of their securing the cut off marks for inclusion in the provisional list against the quota of sports person, they do not have a case. In this regard, she has drawn the notice of the Court indicating that the petitioners have obtained certificate from the Tamilnadu Rural Games Association for representing the State which is not an recognised Sports Association by the Olympic Association of Tamilnadu, and as such they do not have the case for selection against the sports person quota. Hence, the writ petition is liable to be dismissed. In this regard, notice of this Court has been drawn to the relevant guide lines/instruction.

5. The perusal of the aforesaid would go to show that the Association through which the petitioners stated to have represented by the State of Tamilnadu is not a recognised sports association by the Olympic Association of Tamilnadu and

as such their representation of the State of Tamilnadu though that association do not entitle them to get a berth in sports person quota in the selection process. The instructions especially indicates not to recognise such certificate issued by the said institution in sport person quota. For the aforesaid reason, notwithstanding the fact that the petitioners had secured the necessary required cut off marks and had applied against the sports person quota, their non-inclusion in the provisional list against the said quota in the second round of test, cannot be found fault with.

6. In view of the aforesaid, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/--
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To
The Member/Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Campus,
Pantheon Road,
Egmore.

CP(CO)
sm:5.10.2018

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