

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2018

CORAM

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

WRIT PETITION NO. 23599 OF 2018

WMP.NO. 27545 OF 2018

P.Balaji

...Petitioner

Vs.

The Member Secretary,
Tamilnadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent to consider the Form-II, possessed by the petitioner herein under Sports Quota, issued by Rural Games Organization of Tamilnadu, for Grade II Police Constables(M&W), Grade II Jail Warders(M&W) and Firemen through respondent Notification No.217 (2017-2018), forthwith, petitioner representation dated 03.09.2018.

For Petitioner : Mr.T.Padmanabhan

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

ORDER

Heard Mr.T.Padmanabhan, the learned counsel appearing for the petitioner and Mrs. Narmadha Sampath, the learned Additional Advocate General, who accepts notice on behalf of the respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. It appears that the petitioner in this case is the applicant in the recruitment for the post of Gr-II PC(M&W), Grade II Jail Wardens(M&W), Firemen in different wings of Tamil Nadu Police conducted by the sole respondent Recruitment Board, against the Sports Persons quota of 10%. Accordingly, he 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, his name was not included in the provisional list. The aforesaid being to their shock and surprise, he 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 he has 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 petitioner has secured the required cut off marks in the written examination for the sports person quota in their respective category and also a qualified sportsman being issued with the necessary certificate for representing the State, which he has enclosed in his application form and as such, he 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 respondent being illegal, the respondent be directed to include him 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 petitioner has no case inasmuch as he has never obtained the certificate for representing the State from appropriate institution/ organisation and as such in spite of his securing the cut off marks for inclusion in the provisional list against the quota of sports person, he do not have a case. In this regard, she has drawn the notice of the Court indicating that the petitioner has 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 he 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 petitioner stated to have represented by the State of Tamilnadu is not a recognised Sports Association by the Olympic Association of Tamilnadu and as such, his representation of the State of Tamilnadu though that Association does not entitle him 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 petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

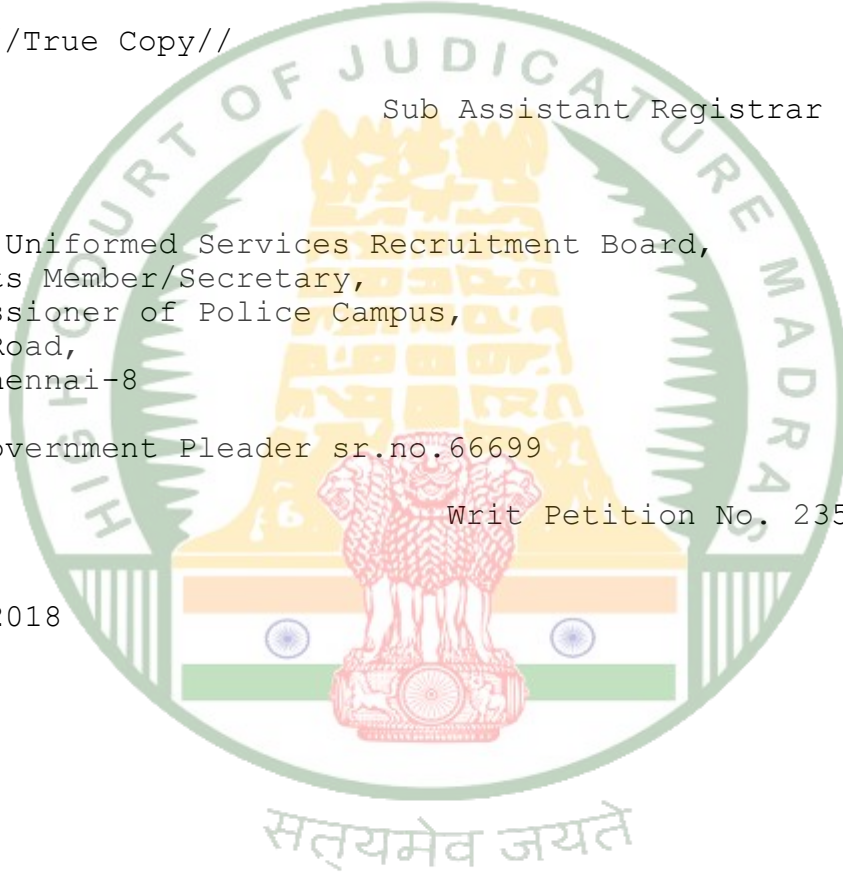
To

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

+1cc to Government Pleader sr.no.66699

Writ Petition No. 23599 of 2018

ca(co)
nr 16/10/2018



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