

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.16456 of 2008
and
M.P.No.2 of 2008

R. Satheesh Raja

.. Petitioner

.Vs.

1. The Chairman,
Tamilnadu Uniformed Services
Recruitment Board, Chennai - 600 002.

2. The Director General Police of Tamil Nadu,
cum the Chairman of Sports Special Selection
Committee, Chennai - 600 004. .. Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notification issued by the 2nd respondent in his proceedings nil dated nil published in Dhina Thanthi News Paper dated 20.06.2008 relating to the recruitment of candidates to the post of Grade II police constables for the year 2007-2008 in the Tamil Nadu Uniformed Services under the 5% Sports Quota and to quash the same in respect of clause No.1 of the notification relating to the maximum age qualification as 24 years by fixing cut of date of birth as on or after 01.07.1984 and consequently directing the 2nd respondent to follow the maximum age qualification for selection of candidates to the post of Grade II police constable in the Tamil Nadu Uniformed Services under the 5% sports quota in terms of the maximum age qualification prescribed in the notification issued by the 1st respondent in Na.Ka.No.A1/4747/2007 published in Dhina Thanthi news paper dated 12.03.2008, for the General quota candidates.

For Petitioner : Mr.B. Saravanan

For Respondents : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

ORDER

The petitioner prays to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned notification issued by the 2nd respondent in his proceedings nil dated nil published in Dhina Thanthi News Paper dated 20.06.2008 relating to the recruitment of candidates to the post of Grade-II police constables for the year 2007-2008 in the Tamil Nadu Uniformed Services under the 5% Sports Quota and to quash the same in respect of clause No.1 of the notification relating to the maximum age qualification as 24 years by fixing cut of date of birth as on or after 01.07.1984 and consequently direct the 2nd respondent to follow the maximum age, qualification for selection of candidates to the post of Grade II police constable in the Tamil Nadu Uniformed Services under the 5% sports quota in terms of the maximum age qualification prescribed in the notification issued by the 1st respondent in Na.Ka.No.A1/4747/2007 published in Dhina Thanthi news paper dated 12.03.2008, for the General quota candidates.

2. The case of the petitioner is that the petitioner sought for the minimum age qualification for candidates who come under 5% sports quota and who have completed 18 years of age as on 01.07.2007. But, as per the notification the candidates applying for appointment under 5% sports quota the minimum age qualification should be 18 years as on 01.07.2008. i.e the candidates ought to have born or or before 01.07.1990 and they should not be more than 24 years of age i.e they ought to have born or or after 01.07.1984 and there was no relaxation granted for backward class and most backward class community candidates, whereas the age relaxation is bound by the notification issued by the first respondent in proceedings in Na.Ka.A1/4747/2007 for appointment to the candidates who come under general quota. The petitioner's date of birth was 07.06.1984 and he had applied for the said post and it has been rejected by the 2nd respondent stating that the application is rejected on the ground of lack of age qualification. Aggrieved over the said order, the petitioner has approached this Court by way of filing a writ petition.

3. The Additional Government Pleader submitted that they filed a counter wherein, it has been submitted that the selection for general quota and sports quota are conducted by entirely different bodies with different parameters for selection and if the candidates selected in the sports quota

they should be young and enthusiastic and capable of participating in their respective field.

4. This Court is of the view that as the norms for both the recruitment process are different and the applicant is over aged on the date of publication of the said advertisement, he was not eligible for selection as the date of birth for both the post was fixed as 01.07.1984 whereas the petitioner's date of birth is 07.06.1984, and the Tamil Nadu Uniformed Service Board has fixed the cut-off date of birth as 01.07.1984. If the petitioner wants to participate in the said selection process he ought to have applied in the general quota also, but the petitioner has not done so and the Government Order cannot be violated as the sports quota recruitment was created only to encourage sports person who have excellent sports record in their respective sports. At the time of selection itself the minimum age and maximum age cannot be relaxed for the petitioner and the petitioner cannot claim fixation of cut of date of birth as 01.07.1983 for both the general and sports quota for the recruitment of Grade-II police constable. It is also seen from the records that at the time of admission this Court had granted an interim order in M.P.No. 2 of 2008, directing the respondents to keep one post vacant until further orders.

5. The learned counsel for the petitioner submits that there is no instructions from his client and he has also filed a memo stating that he is not able to trace the petitioner in his last resided address, and it is reliably understood that the petitioner has not joined the service in respect of present notification which is now under challenge in the present petition. The said memo is recorded. Hence, nothing survives in this writ petition for further adjudication. Accordingly, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

smn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamilnadu Uniformed Services
Recruitment Board,
Chennai - 600 002.

2. The Director General Police of Tamil Nadu,
cum the Chairman of Sports Special Selection
Committee,
Chennai - 600 004.

+1cc to the Govt.Pleader, vide SR.No.50794

W.P. No.16456 of 2008
and
M.P.No.2 of 2008

Vd(CO)
Kak((07/03/2019)



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