

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.29178 of 2018

and

W.M.P.No.34107 of 2018

Mr. Mani C

...Petitioner

Vs.

Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Chairman,
Old COP 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 include the petitioner's application : 1001453 in the provisional selection list and consequently, call the petitioner for medical examination and recruit the petitioner to one of the suitable vacant posts, if found medically fit.

For Petitioner : Mr.P.V. Balasubramaniam

For Respondent : Mrs.Narmadha Sampath
Additional Advocate General
assisted by Mr.V.Kadhirvelu,
Special Government Pleader

O R D E R

Heard, Mr.P.V.Balasubramaniam, learned counsel appearing for the petitioner and Mrs.Narmadha Sampath, learned Additional Advocate General assisted by Mr.V.Kadhirvelu, learned Special Government Pleader, who accepts notice on behalf of the respondents. On consent of the learned counsel on either side, this Writ Petition is taken up for disposal at the stage of admission.

2. The case of the petitioner is that he is an ex serviceman belonging to Most Backward Class. He participated in the recruitment process conducted by the respondent, Tamil Nadu Uniformed Services Recruitment Board, for the post of Grade II Police Constables, Grade II Jail Warders and Fireman for the year 2017-18. According to the petitioner, the cut-off marks and date of birth criteria fixed for the candidates belonging to MBC ex-servicemen is '46.5' and '10.06.1982' respectively and admittedly, he also comes within the cut-off marks and his date of birth is 10.06.1982. In spite of the same, his name does not find place in the provisional list, as a consequence of which, he could not participate in the next round of selection. The petitioner, in this regard, though has made a representation but the same having evoked no response, he came to file this Writ Petition challenging such inaction on the part of the respondent with a prayer to direct the respondent to include his name in the provisional list.

3. The learned counsel appearing for the petitioner submits that since the petitioner is qualified as per the cut-off marks mentioned in the Website published by the respondent recruitment Board, but his name does not find place in the provisional list to become eligible to participate in the next round of selection, therefore, the respondent may be directed to include the name of the petitioner in the provisional list or in the alternative, this Court may direct the respondent to dispose of the petitioner's representation taking into consideration all the aforesaid facts.

4. The learned Additional Advocate General for the State submits that the respondent shall have no objection to consider such representation of the petitioner and if it is found that the petitioner is eligible to be included, he shall be included in the provisional list. Therefore, she submits that this Court may dispose of the Writ Petition with a direction to the respondent to dispose of such representation in its own merit.

5. Considering the aforesaid facts and submission, this Court, therefore, dispose of the Writ Petition at the stage of admission without seeking reply affidavit, with a direction to the respondent to address the grievance of the petitioner in its proper perspective and take an informed and considered decision on the same and intimate the decision thereof to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. However, since this Court has expressed no opinion on the merit of such representation, but, such representation must be addressed considering the grievance of the petitioner that similarly situated persons with same cut-off mark has been given such opportunity, but, he has been denied

the benefits thereof. No costs. Consequently, connected Writ
Miscellaneous Petition is closed.
sd

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

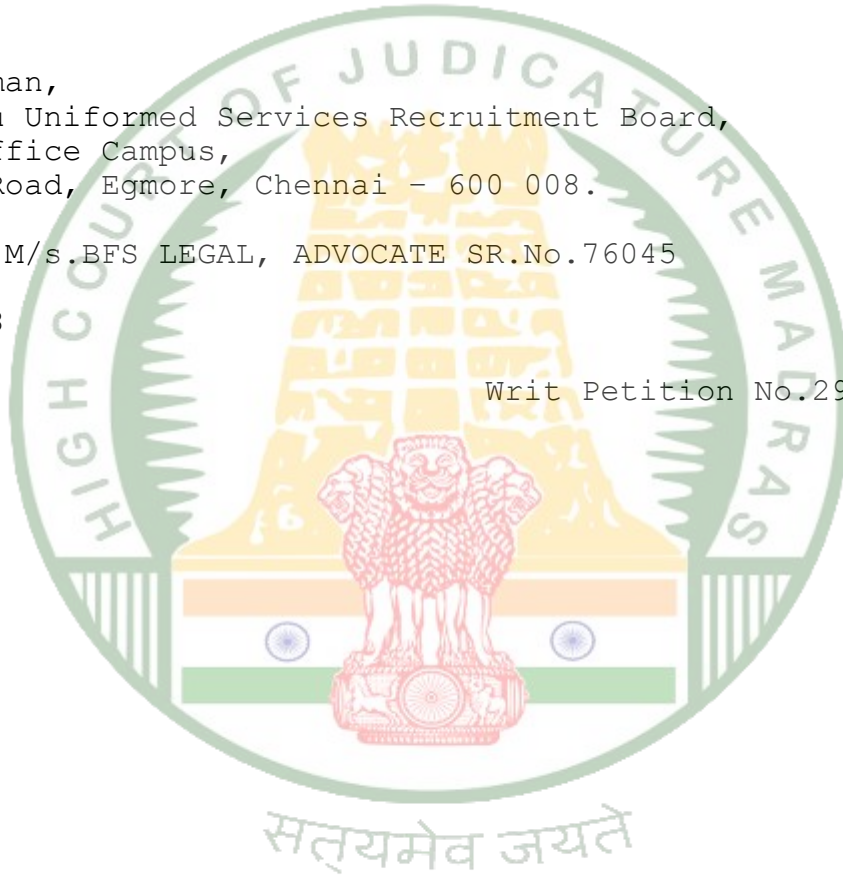
To

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.

+ 1 CC TO M/s.BFS LEGAL, ADVOCATE SR.No.76045

KR/9/11/18

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