



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

**W.A. (MD) .No.392 of 2018
and
C.M.P. (MD) No.2412 of 2018**

- 1.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.
- 2.The Member, Sub Committee,
Madurai Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Madurai City Armed Reserve Ground,
Reserve Line, Madurai - 14. ... Appellants/Respondents

Vs.

C.Senthilkumar ... Respondent/Petitioner

PRAYER:This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 04.01.2018 made in W.P.(MD) No.17788 of 2017 on the file of this Court.

Prayer in WP(MD). 17788/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings dated Nil passed by the 1st respondent and quash the same as illegal, arbitrary and unconstitutional and consequently direct the respondents to award the required marks to the petitioner for his participation in District Level, Division level and State level sports event (long race) and further declare the petitioner as successful candidate having the required marks as fixed by the respondents for the scheduled community candidates.

**JUDGMENT**

(Judgment of this Court was delivered by **T.S.SIVAGNANAM, J.**)

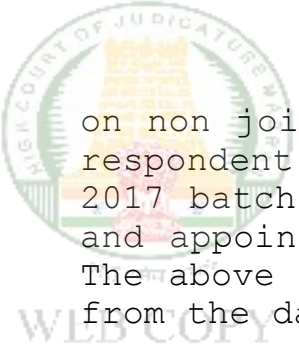
Heard Mr.B.Pugalendhi, learned Additional Advocate General, instructed by Mr.A.K.Baskarapandian, learned counsel for the appellant.

2.This appeal by the Tamil Nadu Uniformed Service Recruitment Board is directed against the order made in W.P.(MD) No.17788 of 2017 dated 04.01.2018. The said writ petition was filed by the respondent herein challenging his non selection to the post of Grade-II Police Constable/Jail Warder Grade-II/Firemen for the year 2017.

3.The respondent/writ petitioner contended that he being an athlete and has produced the necessary sport certificate was not awarded the special mark. Admittedly, the respondent in the application form has shaded the relevant column that he is entitled for special marks as he is an athlete. However, the committee which verified the original certificates took a stand that the petitioner did not produce the original certificate at the time of certificate verification. The Writ Court issued an interim direction and directed verification of the certificate and was satisfied that the respondent/writ petitioner is eligible for getting special marks. In the light of the factual position, the writ petition was allowed.

4.The question would be as to whether the non selection of the respondent for such reason is valid. The same issue was considered by us in W.A.(MD) No.372 of 2018 dated 12.03.2018 and W.A.(MD) No.376 of 2018 dated 15.03.2018, wherein the candidates claimed special marks for NCC certificates. In any event, analogy, which was applied in those cases will equally apply to the case on hand. Therefore, we find that the order passed by the Writ Court is just and proper.

5.The learned Additional Advocate General submitted that as of now, selection process for the year 2017 recruitment is over and the selected candidates have been sent for training. However, we are informed that selection process has commenced for the year 2018 recruitment and the written test has been conducted. Therefore, as there are number of vacancies in which the appellant can be accommodated and on a technical plea, the appellant should not be denied employment. Thus, for the above reasons, this writ appeal is dismissed and the impugned order is set aside. The respondent is directed to select and appoint the appellant as Grade-II Police Constable in the vacancy notified in the 2018 recruitment. This direction is in the alternate that if in the event, there are no vacancies for the 2017 recruitment on account



on non joining of candidate or for other reasons. Therefore, the respondent has to first consider and accommodate the appellant in 2017 batch and if there are no vacancies, he has to be considered and appointed in the vacancies notified for the 2018 recruitment. The above direction to be complied within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

2. The Member, Sub Committee,
Madurai Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Madurai City Armed Reserve Ground,
Reserve Line, Madurai - 14.

+ 1 cc TO The Special Government Pleader in SR No. 57251

Arul

AE/SV MMS/SAR4/10.04.2018/3P/4C

W.A. (MD) .No.392 of 2018
and
C.M.P. (MD) No.2412 of 2018
21.03.2018