



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.17397 of 2017

and

W.M.P. (MD) Nos.13911 and 13912 of 2017 and

W.M.P. (MD) No.323 of 2018

Y.John Edward

... Petitioner

Vs.

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 8.

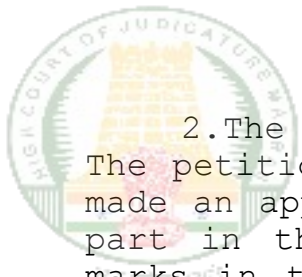
... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, call for the records relating to the impugned proceedings of the selection list of Kanyakumari District for the post of Grade II police constable Grade II Jail warden and Fireman for the year 2017 issued by the respondent dated 31.08.2017 and quash the same as illegal and direct the respondent to produce the video record for the 44th batch 400 meters running event in which the petitioner has participated and also direct the respondent to put one full mark to the petitioner for having NCC B certificate and consequently include the petitioners name in the selection list of Grade II police constable grade II Jail warden and Fireman.

For Petitioner	: Mr.G.Prabhu Rajadurai for Mr.S.Arivalagan
For Respondents	: Mr.B.Pugalendhi, Additional Advocate General Asst.by Mr.A.K.Bhaskarapandian, Special Government Pleader

O R D E R

The petitioner applied in response to a recruitment notification issued by the respondent, calling for applications for filling up the posts of Police Constables - Grade II, Jail Warders - Grade II and Fireman for the year 2017.



2.The basic qualification for the said post is 10th standard. The petitioner herein was eligible to apply for the said post. He made an application. He was issued with the hall ticket. He took part in the selection process. The petitioner was awarded 63.5 marks in the selection process. The petitioner had undergone his schooling in Tamil Medium. But for PSTM candidates, the cut off marks is 64. Therefore even though the writ petitioner was considered under PSTM category, he could not make it. Since the writ petitioner was not selected, he challenged the selection list in the present writ petition.

3.The primary contention urged by the learned counsel for the writ petitioner is that he ought to have been awarded 1 mark as special mark, since he was in the National Cadet Corps for two years. My attention was drawn to clause 31 of the information brochure issued by the respondent. The said clause provides for allotment of 5 marks, if the candidate has displayed proficiency in NCC/NSS and sport activities. As regards the special marks for NCC students, the information brochure has set out allotment of marks as under:

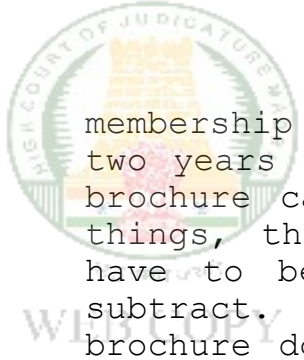
NCC	(i) one year member - $\frac{1}{2}$ marks
Maximum marks	2 (ii) B - certificate - 1 marks (iii) C - certificate/Petty Officer/outstanding student in All India National Level - 2 marks

4.The writ petitioner in this case is an "A"-certificate holder in NCC. "A" Certificates are issued for those, who had undergone NCC training for two years. For those who have undergone two years training in NCC at the College Level, "B" Certificate is issued. For those who had passed the stipulated examination with three years training, "C" certificate is issued.

5.The learned counsel for the petitioner would strongly urge that the petitioner had completed two years of NCC training. Since $\frac{1}{2}$ mark is provided for one year membership by way of corollary, one mark should be awarded for those candidates, who had undergone one year NCC training.

6.Per contra, the learned Additional Advocate General would point out that rightly or wrongly, there is no allotment of marks for "A" certificate holders. Only for "B and C" certificate holders, marks of 1 and 2 respectively have been allotted. For one year membership in NCC, $\frac{1}{2}$ mark has been provided. He would point out that since provision of $\frac{1}{2}$ marks or one mark or two marks is by way of awarding special marks, this Court cannot adopt a liberal or expensive interpretation.

7.This Court considered the rival submissions. The information brochure provides for allotment of only $\frac{1}{2}$ marks for one year



membership in NCC. There is no provision of awarding one mark for two years training. What has not been provided in the information brochure cannot be granted by this Court. In the very nature of things, the information brochure or recruitment notification will have to be applied as they are. This Court can never add or subtract. Of course, it is unfortunate that the information brochure does not contain a provision for awarding 1 mark for "A" certificate holders. What was omitted to be awarded in the brochure cannot be supplied by this Court. I therefore, find no merit in the petitioner's plea.

8.This writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 8.

Arul

RL/2C/3P/KK/SAR1/7/2/2018

W.P (MD) No.17397 of 2017
and
W.M.P. (MD) Nos.13911 and 13912 of 2017 and
W.M.P. (MD) No.323 of 2018

09.01.2018