



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.23184 of 2018

and

W.M.P (MD) Nos.21066 and 21067 of 2018

Muthupandi

... Petitioner

vs.

1. The Tamil Nadu Uniformed Services
Recruitment Board
Rep. by its Member Secretary
Old Commissioner of Police
Police Compound
Pantheon Road, Egmore
Chennai

2. The Director General of police
Office of the Director General of police
Old Commissioner of Police Office Compound
Pantheon Road, Egmore
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the entire record pertaining to the impugned selection list dated 13.10.2018 pertaining to the 2017 Common Recruitment Grade-II, Police Constables Grade-II Jail Wardens and Fireman and quash the same and direct the respondents to award 5 (Five) marks to the petitioner for his NCC 'C' certificate with 'A' Grade and consequently appoint the petitioner in anyone of the post in 2017 Common Recruitment Grade-II Police Constables, Grade-II, Jail Wardens and Fireman.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Chellpandian
Additional Advocate General
Assisted by Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

Heard the learned counsel for the writ petitioner.

2. The petitioner herein has applied for the post of Grade-II Police Constable and participated in the selection process. He was found eligible in written examination and physical test. He secured 52 marks in the written examination and 15 marks in the physical test, totally 67 marks. Since he is in possession of 'C' Certificate



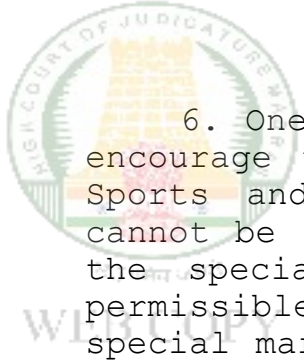
with 'A' Grade in NCC he was awarded two marks. Cut off marks for the selected candidates for MBC quota is 70%. The petitioner here in is short of one mark. Hence he is before this Court by way of certiorarified mandamus alleging that having in possession of 'C' Certificate with 'A' Grade in NCC, he is entitled for five additional marks, whereas the respondent had awarded only two marks. In support of his submission the learned counsel would refer to the brochure for the previous year and brochure of the present year and would say that in the earlier recruitment process, it has been specifically mentioned that additional special marks for NCC/NSS/ Sports/Games to the maximum of 5 will be awarded. Whereas in the present recruitment for the year 2017-2018, there is no such upper limit for awarding special mark. Therefore having obtained the highest certificate in NCC he is entitled for the maximum additional marks of 5, but the respondent has awarded only two marks. Had he been awarded 5 marks, he will be far above the cut off marks and entitled for the recruitment.

3. The learned Additional Advocate General took notice on behalf of the respondent. He drew the attention of the court to the brochure wherein break-up for each examination been prescribed. Accordingly out of total 100 marks, 80 marks is earmarked for written examination, 15 marks is earmarked for physical test and 5 marks is earmarked for special qualification such as NCC/NSS/Sports and Games. As far as allocation of special marks for possession of NCC/NSS/Sports and Games certificate, the brochure refer to the special hand book. From the brochure, this Court is able to find that the five marks earmarked for possessing NCC/NSS/Sports and Games certificate, break up is as below:

"NCC - 2 Marks, NSS- 1 Mark, and Sports- 2 Marks"

4. It is contended by the learned counsel appearing for the petitioner that the said break up under the head additional special mark is not available in the recruitment brochure of the year 2017-2018 and therefore for 'C' Certificate with 'A' Grade in NCC which is the maximum certificate for any NCC cadre, the maximum of 5 marks ought to have been given to the petitioner herein .

5. If the above submission of the petitioner is accepted, then the candidates who possess both NCC, NSS and Sports Certificate, the total marks will exceed 100, therefore that could not be the intention of the recruiters and that could not be a interpretation of the Court which will be very ill-logic. The upper limit of five additional mark is for NCC, NSS and Sports put together. As far as the writ petitioner is concerned, he does not possess any NSS/Sports/Games Certificate. No doubt he is in possession of the highest certificate of NCC. For that certificate the maximum marks for such qualification has been awarded to him. He cannot expect more two marks.



6. One has to bear in mind that special additional marks is to encourage the persons getting himself involved in NCC, NSS and Sports and educational activities. The special additional marks cannot be in excessive. As far as this recruitment is concerned, the special additional marks is restricted to 5%, which is permissible. If the submission of the petitioner is taken, then special marks will be 15% which will torpedo the entire equation of giving adequate credit for the persons mental and physical ability. Therefore this Court finds no merits in the writ petition and accordingly the Writ petition is dismissed. However, there shall be no order as to cost. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1. The Member Secretary
The Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police
Police Compound
Pantheon Road, Egmore
Chennai
2. The Director General of police
Office of the Director General of police
Old Commissioner of Police Office Compound
Pantheon Road, Egmore
Chennai.

+1cc to Mr.P.M.Vishnuvarthanan ,Advocate Sr.No.96902
+1cc to SPL.Govt.Pleader, Sr.No.96708

AAV

KM/SV/SAR2/12.12.2018/3P/5C

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