



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.20464 of 2018

and

WMP (MD) Nos.18210 & 18211 of 2018

R.Alexander

... Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Chennai - 600 008.

2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification issued by the 1st respondent in Advertisement No.2/2018 dated 29.08.2018 and the consequential impugned order passed by the 2nd respondent in N.Dis.A1/51812/18 dated 12.9.2018 and quash the same insofar as Serial No.11(b) of the Notification issued by the 1st respondent and quash the order passed by the 2nd respondent in N.Dis.A1/51812/18 dated 12.09.2018 and consequently direct the 2nd respondent to issue No Objection Certificate to the petitioner for recruitment for the post of Sub-Inspector of Police (Finger Print) 2018.

For Petitioner

: Mr.V.Sasikumar

For Respondents

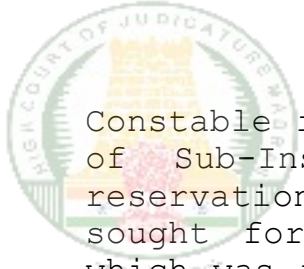
: Mr.R.Sethuraman
Spl.Govt.Pleader

O R D E R

The Writ Petition has been filed praying to issue a Writ of Mandamus, to call for the records relating to the impugned Notification issued by the 1st respondent, in Advertisement No.2/2018, dated 29.08.2018 and the consequential impugned order passed by the 2nd respondent in N.Dis.A1/51812/18, dated 12.9.2018 and quash the same insofar as Serial No.11(b) of the Notification issued by the 1st respondent and quash the order passed by the 2nd respondent in N.Dis.A1/51812/18, dated 12.09.2018 and consequently, direct the 2nd respondent to issue No Objection Certificate to the petitioner, for recruitment, for the post of Sub-Inspector of Police (Finger Print) 2018.

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2. Mr.V.Sasi Kumar, the learned counsel appearing for the petitioner would submit that the petitioner is working as Grade-2



Constable in Tenkasi Police Station and he has applied for the post of Sub-Inspector of Police (Finger Print) 2018 in the 20% reservation quota meant for departmental candidates. Therefore, he sought for 'No Objection Certificate', from the 2nd respondent, which was rejected on 12.09.2018, on the ground that the petitioner was imposed with a punishment of postponement of increment. Therefore, the petitioner may be considered for taking up the examination scheduled to be held on 30.09.2018 and that the petitioner being the graduate and that the promotion process takes place once in five years, the punishment that he suffers shall not put against him for taking up examination and participating in the selection process, if he is otherwise eligible.

3. Though the respondents have not filed their counter, Mr.R.Sethuraman, the learned Special Government Pleader appearing for the respondents would submit that it is not in dispute that the petitioner has applied for the post of Sub-Inspector of Police (Finger Print) 2018 in the departmental quota and that 20% reservation quota has been provided for departmental candidates. But, Clause No.11 of instruction would clearly states that, if candidates have a clean record without any punishment other than the minor punishments of black mark, reprimand and censure, the case would be considered. Since the petitioner was awarded with two punishments, which is even admitted by the petitioner, the writ petition has got to be dismissed.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents and also perused the materials available on record.

5. It is not in dispute that the petitioner has applied for the post of Sub-Inspector of Police (Finger Print) 2018 in the 20% reservation quota, which is meant for departmental candidates. In terms of the instruction for considering the case of the departmental candidates for selection, the candidates must have clean records other than the minor punishments of black mark, reprimand and censure. Admittedly, the petitioner has suffered two punishments viz., postponement of increment for one year without cumulative effect by orders, dated 17.02.2015 and 6.10.2016, which was also admitted by the petitioner and that being the case, the petitioner will not be entitled to the relief sought for.

6. In the result, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS-IV)



To

1. The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Chennai - 600 008.

2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1cc to Mr.V.Sasikumar, Advocate Sr.No.87307
+1cc to Spl.Government Pleader Sr.No.87570

MPK

VB/PM/SAR4/10.12.2018/3P/5C

W.P. (MD) No.20464 of 2018
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