

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2019

Coram

The Honourable Mr. Justice M.DHANDAPANI

W.P.Nos.5524 and 5525 of 2019
and WMPNos.6282, 6283, 6284, 6285, 6286 and 6287 of 2019

S. Sathishkumar ... Petitioner in both the writ petitions

vs.

1. State of Tamil Nadu
rep by its Secretary,
Department of Environment and Forests,
Fort St. George,
Chennai - 600 009
2. The Chairman,
Tamil Nadu Forest Uniformed Services,
Uniformed Recruitment Committee (TNFUSRC),
8th Down Floor,
Panagal Maligai,
No.01, Jeenis Road,
Saidapet,
Chennai - 600 015
3. The Member Secretary,
Tamil Nadu Forest Uniformed Services,
Uniformed Recruitment Committee (TNFUSRC),
8th Down Floor,
Panagal Maligai,
No.01, Jeenis Road,
Saidapet, Chennai - 600 015
4. The Tamil Nadu State Handball Association,
SDAT, Indoor Stadium,
Chennai - 600 003

.... Respondents in both the petitions

W.P.No.5524 of 2019

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the third respondent issuing call letters to 66 persons for the posts of Forester under Sports Category and published in Official Website on 14.02.2019 and quash the same.

W.P.No.5525 of 2019

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the third respondent issuing call letters to 53 persons for the posts of Forest Guard and Forest Guard with Driving License under Sports Category and published in Official Website on 14.02.2019 and quash the same.

For Petitioner : Mr.A. Muthukumar

For R.1 to R.4 : Mr.M. Elumalai
Government Advocate

COMMON ORDER

The petitioner has filed the writ petition in WP No.5524 of 2019 praying to issue a Writ of Certiorari to call for the records of the third respondent issuing call letters to 66 persons for the posts of Forester under Sports Category and published in Official Website on 14.02.2019 and quash the same.

2. The petitioner has filed the Writ Petition in WP No.5525 of 2019 praying to issue a Writ of Certiorari to call for the records of the third respondent issuing call letters to 53 persons for the posts of Forest Guard and Forest Guard with Driving License under Sports Category and published in Official Website on 14.02.2019 and quash the same.

3. The petitioner had applied to the post of Forester (in WP No.5524 of 2019) and to the posts of Forester, Forest Guard and Forest Guard with Driving License(in WP No.3525 of 2019) with the 2nd respondent under General Category as well as in Sports Category. The petitioner is a Sportsman in Handball and has represented Tamil Nadu South Zone for various competitions in the State Level and National Level also and the petitioner is one of the valuable players for the State of Tamil Nadu in handball competitions and Tournaments.

4. The respondents No.2 and 3 conducted interview by calling 66 persons for 30 seats in the cadre of Forester under sports category on 22.02.2019 and the petitioner was not called for the interview. Since he was not called for the interview he searched the website of the second respondent and then only he came to know that 66 persons were called for interview to fill up 30 posts in the cadre of Forster under the Special Category of Sports.

5. It is also the case of the petitioner that clause 6.5 of the Prospectus deals with Special Reservation for outstanding sports persons. Clause 6.5(e) deals with award of Marks for the candidates who have applied under the Sports Category which depends upon the competitions/tournaments in which they have participated and medals obtained. If a candidate participated at International level and he/his team secured Gold Medal, he is entitled to 90 marks; in case silver medal, 85% marks and in case of Bronze 80% marks. A candidate participated in the National Level Competition failed to secure any Medal either by himself or by his team, still he is entitled to 75% marks. Hence the mere mistake in the certificate issued by the Tamil Nadu Handball Association, instead of mentioning as "Nil" as South Zone cannot be a ground to reject the petitioner's application under Sports Category that too after participating in the written examinations. The small mistake committed by the 4th respondent has to be ignored by the respondents 2 and 3 and should have treated the position of my team as NIL and awarded 75% marks to the petitioner. Had it been done by the respondents 2 and 3 the petitioner would have been certainly called for interview for all the posts including the posts of Forester. The respondents 2 and 3 conducted interview for the post of Forest Guard and Forest Guard with Driving License under Sports Category on 21.02.2019. This small mistake done by the 4th respondent had caused loss to the petitioner for the said post also. Hence the petitioner has filed the writ petitions seeking for the above relief.

6. Mr.A. Muthukumar, learned counsel for the petitioner submitted that after filing of these writ petitions, as per the direction of this Court, the petitioner was called for interview, attended the interview and are waiting for results.

7. The learned Government Advocate appearing for the respondents did not dispute the facts submitted by the learned counsel for the petitioner.

8. Since the petitioner was called for interview, attended the interview and is waiting for results, nothing survives for adjudication. Hence both the writ petitions are dismissed as

infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu
Department of Environment and Forests,
Fort St. George,
Chennai - 600 009
2. The Chairman,
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4. The Tamil Nadu State Handball Association,
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+1cc to Mr.A.Muthukumar, Advocate sr.76714
+1cc to The Special Government Pleader(Forest) sr.76684

W.P.Nos.5524 & 5525 of 2019

br(co)
nr 21/10/2019