

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.09.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.14118 of 2019

B.Manthra

... Petitioner

.versus.

The Member Secretary,  
Tamil Nadu Forest Uniformed  
Service Recruitment committee,  
8<sup>th</sup> Down Floor, Panagal Building,  
Saidapet,  
Chennai-600015.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Publication of Final Cut-off Marks for the post of Foresters and the publication of list of candidates provisionally selected for appointment by Direct Recruitment to the post of Forester of the Respondent dated 16.04.2019 and quash the same in so far as fixing new norms of awarding cut off marks out of 100% in sports quota based on the recognized level of qualifying percentage of marks in the competition of tournaments and based on the new norm, candidates provisionally selected for appointment by direct recruitment for the post of Foresters in 10% sports quota is concerned and consequently direct the respondent to appoint the petitioner as Forester in the Tamil Nadu Forest Department in Sports Quota G.T.Category by fixing the Cut-off marks combining the marks obtained in Paper I, Paper II, and personality Test together with the qualifying percentage of marks awarded for the recognition level of competition of tournament in the sports / games.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.M.Elumalai  
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner praying for the issuance of the Writ of Certiorarified Mandamus calling for the records pertaining to the Publication of Final Cut-off

Marks for the post of Foresters and the publication of list of candidates provisionally selected for appointment by Direct Recruitment to the post of Forester of the Respondent dated 16.04.2019 and quash the same in so far as fixing new norms of awarding cut off marks out of 100% in sports quota based on the recognized level of qualifying percentage of marks in the competition of tournaments and based on the new norm, candidates provisionally selected for appointment by direct recruitment for the post of Foresters in 10% sports quota is concerned and consequently direct the respondent to appoint the petitioner as Forester in the Tamil Nadu Forest Department in Sports Quota G.T.Category by fixing the Cut-off marks combining the marks obtained in Paper I, Paper II, and personality Test together with the qualifying percentage of marks awarded for the recognition level of competition of tournament in the sports / games.

2. The petitioner is a B.Sc. Graduate in Mathematics and a Short-put Athlete having participated in the 57<sup>th</sup> Interstate Senior Athletic Meet, held at Guntur from 05.07.2017 to 18.07.2017 and the 57<sup>th</sup> National Open Athletic Championship held at Chennai from 25.09.2017 to 28.09.2017. The Secretary to the State Association of Tamil Nadu in the game of Athletics had issued certificate in Form No.II to this effect. The petitioner also belongs to the community of General Category.

3. The Tamil Nadu Forest Uniformed Services Recruitment committee has issued an advertisement in their website by notification No.1 dated 06.10.2018 inviting the applications from eligible candidates through online mode for direct recruitment for the vacancies to the post of three hundred Foresters in Tamil Nadu Forest Department. Pursuant to the notification, it appears that the petitioner had applied for the post of Forester via online portal under Sports Quota category. Thereafter, on 07.12.2018, the petitioner attended online examination in their authorised centre at Perungudi. According to the petitioner, she secured 68.29% in Paper-I General Knowledge, 80.92% in Paper II General Science examination at the normalized score of 74.61% and consequently, the petitioner was not selected for the said post, hence the petitioner has come forward with the present writ petition.

4. The learned counsel for the petitioner would submit that awarding the cut-off marks out of 100% for the appointment of Forester under Sports quota and drawing up the provisional list of selected candidates on that basis are illegal and violative of the Recruitment rules. He would point out that as per notification dated 06.10.2018, the respondent is bound to award

cut-off marks for the recruitment of Foresters for 10% sports quota, combining the marks secured in Paper I, Paper II , Personality test together with the recognised level of qualifying percentage of marks for sports. He would also contend that the respondent had adopted the same procedure in respect of earlier recruitments whereas all of a sudden in respect of present selection, has fixed new norms for selection which is arbitrary and violative of Article 14 of Constitution of India. The learned counsel would contend that final cut-off marks for GT category under sports quota was fixed 80% while the marks secured in Paper 1 and Paper 2 and Personality Test were deliberately ignored and hence the petitioner was not selected. Therefore, he seeks to quash the impugned proceedings in so far as the fixation of new norms for awarding cut off marks out of 100 marks in sports quota and directed the respondent to select the petitioner after taking into consideration the marks obtained in other papers.

5. The learned Government Advocate appearing on behalf of the respondent filed a detailed counter affidavit and reiterated the contents made therein. He would submit that the petitioner has represented the State of Tamil Nadu and participated as an athlete in women's shot put in 57<sup>th</sup> National Inter State Senior Athletic meet in the National Competition held at Guntur (Andhra Pradesh) from 15.07.2017 to 18.07.2017. As per the norms prescribed by the Government, she was rightly awarded 75/100 marks, whereas, for only General Category, the final cut off marks was prescribed as 80/100 and in these circumstances, the petitioner was not selected. Therefore, the learned Government Advocate would submit that there is no illegality or infirmity in the selection process and awarding marks to the petitioner, hence, he prays this Court to dismiss the Writ Petition.

6. Heard the submissions on both sides.

7. It is not in dispute that the petitioner has represented state of Tamil Nadu by participating as an athlete in women's shot put in 57<sup>th</sup> National Inter State Senior Athletic meet in the National Competition held at Guntur (Andhra Pradesh) from 15.07.2017 to 18.07.2017 and as per norms prescribed in the Government Order she was awarded 75/100. The final cut off marks in respect of the community of General Category were fixed as 80/100. Therefore, the respondent has rightly not selected the petitioner. In fact, the learned Government Advocate would submit that under the community of General Category totally eight candidates were selected in sports quota and they secured 80/100 to 90/100 and it is pertinent to note that these marks were awarded based on their sports performance and that these

candidates were selected under sports quota in General Category have either owned medal in National or International competition or participated in International level competition, whereas the petitioner has merely participated in National level competition and in fact no medal was achieved. Therefore, when compared to the already selected eight candidates under General Category on sports quota were in higher pedestal than compared to the petitioner and they are superior in terms of sports performance than that of the petitioner. In such circumstances, the petitioner cannot, as a matter of right, claim for selection over and above already selected candidates whose sports performance is admittedly higher than the petitioner.

8. The learned Government Advocate would draw the attention of this Court to para of 15 of the counter affidavit wherein, highlighting the preferences to be given in sports quota, which reads as under:

"With regard to "Eligibility" in clause (1)(C) of para 5 under amendments in G.O.Ms.No.110, E&F (FR.2-1) Department, dated 03.08.2018, it is suggested that in sub clause (iii), the recognized State Sports Associations may mean the association recognized by Sports Development Authority of Tamil Nadu or Tamil Nadu Olympic Association.

For being considered under the sports quota, the sports persons have to secure at least minimum eligibility marks in the written test, physical test and physical efficiency test. Other eligibility criteria should be fulfilled.

The highest achievement in the last five-year period prior to the date of notification will be considered for recruitment and marks awarded accordingly. In case of international competition the individual with gold medal will be given higher rank than silver and silver medalist will be given higher rank than bronze. In case, the highest achievements among two or more persons are of same marks, and cannot be ranked based on gold, silver and bronze medals as stated above, the next highest achievement in five-year period among those persons may be considered for finalizing the ranking.

Ranking will be fixed based on sports achievements only."

Therefore, as per above norms, the respondent has rightly selected candidates in respect of General Category from sports quota since all the eight persons who are selected are found

eligible and since their performance in sports is best than that of the petitioner. In such view of the matter, this Court does not find any irregularity or infirmity in non selecting the petitioner for the post of Forester and this Court does not find any scope to interfere with the impugned proceedings. In fact, the respondents have issued the impugned proceedings in respect of the persons including the petitioner in respect of the General Category of sports quota. However, the petitioner alone has come forward with the present Writ Petition as if she alone has been singled out of the selection.

9. For the foregoing reasons, the Writ Petition fails and the same is dismissed as devoid of merits. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Member Secretary,  
Tamil Nadu Forest Uniformed  
Service Recruitment committee,  
8<sup>th</sup> Down Floor, Panagal Building,  
Saidapet,  
Chennai-600015.

+1 cc to M/s.C.K.M.Appaji, Advocate Sr.No. 82432  
+1 cc to The Government Pleader Sr.No. 82034

AKM/05.12.19/5P-4C /

सत्यमेव जयते

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