

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

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THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.19630 of 2019

and

WMP.Nos.19150 and 19152 of 2019

T.Kamalakannan ... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Home (Police) Department,
Secretariat, Chennai- 600 009.
- 2.The Director General of Police / Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Old Police Commissioner's Office Complex,
Pantheon Road, Egmore,
Chennai- 600 008. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ or order or direction more particularly a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to Na.Ka.No.OM/R3/GP/2348/2017 dated 13.09.2017, to quash the same and to issue consequential direction to the Respondents to allow the Petitioner to appear for Physical Test and to appoint him as Police Constable, Grade II under Ward Quota(SC) with effect from the date of such selection for the year 2017.

For Petitioner

: Mr.P.Kumaran
for Mr.M.Ravi

For Respondents

: Mrs.Narmadha Sampath
Additional Advocate General
Assisted by Mrs.M.Lalitha
Government Advocate.

O R D E R

This Writ Petition has been filed for the issuance of Certiorarified Mandamus, calling for the records of the second respondent relating to Na.Ka.No.OM/R3/GP/2348/2017 dated 13.09.2017, to quash the same and to issue consequential direction to the Respondents to allow the Petitioner to appear for Physical Test and to appoint him as Police Constable, Grade II under Ward Quota(SC) with effect from the date of such selection for the year 2017.

2. The petitioner, pursuant to the notification for common recruitment for the post of Grade II Police Constable, Grade II Jail Warder and Firemen-2017, applied under Ward Quota since his mother was serving in the Ministerial Services. He participated in the written examination and secured 40% of marks. Further, the petitioner was informed that he was not selected for appointment and he was not called upon for physical examination. It appears that the petitioner made an appeal to the second respondent and by proceedings dated 13.09.2017, the second respondent rejected the appeal of the petitioner on the sole ground that he has not enclosed Ward Quota Certificate. Aggrieved by the same, the petitioner again made an appeal to the first respondent on 10.10.2017 and he also sent a reminder to the respondent on 19.02.2019. Since no action is forthcoming from the respondents, the petitioner is before this Court.

3. Learned Additional Advocate General appearing for the respondents while reiterating the averments made in the counter affidavit filed by the second respondent would submit that the petitioner had secured only 40 marks in the written test which below the cut off marks for SC(Gen) category and further, the Division Bench of Madurai High Court in order dated 13.02.2018 in W.A.(MD) No.1241 of 2017 has observed that the reservation for wards / dependents of serving / retired police personnel and serving ministerial staff of the Police Department is unconstitutional and directed that in future the State Government shall not resort to the aforesaid Ward Quota reservation and this view of the Division Bench of this Court was confirmed by the Hon'ble Supreme Court of India in SLP (Civil) No.16299 of 2018 wherein the Hon'ble Supreme Court vide order dated 24.10.2018 observed that the "state is free to proceed with the selection without reserving 10% vacancies for the wards of the serving police officers including the ministerial staff". Therefore, the learned Additional Advocate General would submit that the petitioner's claim under Ward Quota reservation cannot be entertained. She would also submit that challenging the rejection order dated 13.09.2017, the petitioner has come forward with the present Writ Petition, on delay of two years, and by now the entire selection process is

over. Hence, she seeks dismissal of the Writ Petition.

4. Having regard to the facts and circumstances and submissions made by the learned Additional Advocate General, this Court is of the view that the claim of the petitioner for appointment of the petitioner under ward quota reservation cannot be entertained. Admittedly, the petitioner had secured 40 marks which is below the cut off marks fixed in respect of SC (Gen) category. As regards ward quota reservation, the matter went up to Hon'ble Supreme Court which observed that the State is free to proceed with the selection without reserving 10% of vacancies for the wards of the serving police officers including ministerial staff. Therefore, the claim of the ward quota reservation cannot be considered.

5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(JJ ACT)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
The Government of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai- 600 009.

2.The Director General of Police / Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Old Police Commissioner's Office Complex,
Pantheon Road, Egmore,
Chennai- 600 008.

+1cc to Mr.m.Ravi , Advocate SR.No. 86965
+1 cc to Government Pleader Sr.No. 86883

W.P.No.19630 of 2019
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MP (CO)
A.SK(07/02/2020)