



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.03.2019

Delivered on : 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P.[MD]No.22138 of 2017

and

W.M.P. (MD)No.18449 of 2017

T.Thananjayan

: Petitioner

Vs.

1.The Director General, C.R.P.F.,
Block No.01, C.G.O.Complex,
Lodhi Road, New Delhi-110 003.

2.The Staff Selection Commission
(Southern Region),
Rep. by Regional Director (SR),
2nd Floor, EVK Sampath Building,
College Road, Chennai-600 006.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to appoint the petitioner herein in the vacancies notified by the second respondent for recruitment by the first respondent to the posts of Constable (GD) in CAPFs, NIA & SSF and Rifleman (GD) in Assam Rifles for the year 2015, as per his selection declared in Record No.441885 under CAT1 Category with Roll No.8204015592 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.P.Subbiah, CGSC

ORDER

Seeking appointment to the posts of Constable (GD) in CAPFs, NIA & SSF and Rifleman (GD) in Assam Rifles for the year 2015, the petitioner has filed the present Writ Petition in the nature of a Writ of Mandamus.

2. The case of the petitioner, in brief, is as follows:

2.1. The second respondent notified the vacancies for recruitment at All India Level to the posts of Constable (GD) in CAPFs, NIA & SSF and Rifleman (GD) in Assam Rifles for the year 2015, for which, notification was issued by the Staff Selection Commission inviting applications. Pursuant to the same, the petitioner applied under OBC category.



2.2. Insofar as Tamil Nadu is concerned, there are 2140 vacancies and 555 vacancies were notified for OBC category. The cut-off marks for OBC category was 33.

2.3. The first respondent, on receipt of application of the petitioner, sent hall ticket, to which, he attended the examination on 17.06.2015 and became successful including the relevant tests such as physical efficiency test, etc., and finally, results were declared, wherein he was selected under CAT1 category securing cut off marks 34, which is beyond the cut off marks prescribed for selection. Thereafter, there was no progress in the case of the petitioner for appointment and having left with no other option, he is before this Court with the present Writ Petition.

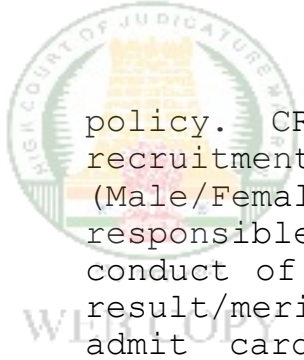
3. The learned counsel for the petitioner submits that after selection of all over India, most of the States were appointed and joined duty, whereas, in Tamil Nadu, even after selection of candidates, for no valid reason, appointment was not made to the vacancies notified. Further, 2015 recruitment is over and now the first respondent is to commence for 2017 recruitment, for which, notification is said to have been published. In such an event, the delay in appointment for the selected candidates including the petitioner is discriminatory in nature.

4. The learned counsel further submits that the age of the petitioner is 26 years and if he applies for any further notification for recruitment in public employment, the age becomes lapsed and thereby, he would be deprived of an opportunity of being applied for public employment. It is also pointed out that the petitioner has secured 34 marks i.e., beyond the cut off marks. Hence, he deserves to be appointed to the post in question and stating so, the learned counsel prays for appropriate orders.

5. Per contra, the learned counsel for the respondent submits that the written test was conducted by Staff Selection Commission and the results were shown in SSS Website and the petitioner obtained 34 marks as per SSC notification issued on 14.03.2016 and 07.04.2016. However, the petitioner could not come in the overall merit list drawn by the Directorate General though clearing his endurance tests required for selection for the post of CT/GD. Hence, the petitioner could not be selected for appointment to the said post. If the contention of the petitioner is accepted at this stage, it will be against the instructions issued by GOI and leading to invite plethora of writ petitions on the same plea, which would create legal complication. Hence, he pleads that the Writ Petition deserves to be dismissed.

6. I have considered the rival submissions.

7. Admittedly, recruitment of constable (GD)-2015 has been conducted by Staff Selection Commission on the basis of MHA's



policy. CRPF was designated as Nodal Force to coordinate for recruitment of CT(GD) exam-2015 to fill up 64,066 vacancies of CT/GD (Male/Female) in CAPFs, AR/NIA &SSF. Staff Selection Commission is responsible for notification, registration of application forms, conduct of written examination and preparation/declaration of final result/merit list. Nodal Force (CRPF) is responsible for issuing admit cards for PST/PET, detailed medical examination and all participating CAPFs [BSF, CRPF, CISF, ITBP, SSB and AR] and also responsible for conducting PST/PET and DME of candidates. Written examination was conducted by SSC on 04.10.2015 for those candidates who were found qualified in PST/PET. Results of written examination were declared on 14.03.2016 and 17.03.2016. Though the petitioner cleared the entire process in the CT/GD recruitment 2015 and obtained 34 marks in the written test, in the overall merit list prepared by the Directorate General, he did not possess the requisite cut-off marks. Hence, it seems that the petitioner has not met out the requirements and he could not come under the zone of consideration. For the post to which the petitioner applied, he has to fulfil all the requisite qualifications which needs to be done, but, in the present case, it was not done so and since the petitioner does not satisfy the eligibility criteria, the respondents are not in a position to appoint the petitioner.

8. In view of the reasons as set out above, the direction, as sought by the petitioner in the nature of a Writ of Mandamus, cannot be issued and hence, the Writ Petition deserves dismissal and accordingly, it is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

- 1.The Director General, C.R.P.F.,
Block No.01, C.G.O.Complex,
Lodhi Road,
New Delhi-110 003.
2. The Regional Director (SR),
The Staff Selection Commission
(Southern Region),
2nd Floor, EVK Sampath Building,
College Road,
Chennai-600 006.



+1 CC to M/s.P.SUBBIAH, Advocate (SR-57062[F] dated 27/03/2019)

+1 CC to M/s.K.APPADURAI, Advocate (SR-57077[F] dated 27/03/2019)

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Order made in
W.P.[MD]No.22138 of 2017
27.03.2019

ES/KK/15.04.2019/4P/5C