

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.08.2019

CORAM:

**THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM****W.P. (MD) No. 1132 of 2014**

WEB COPY

S. Rajaram

... Petitioner

Vs.

The Chairman-cum-Director General of Police,  
Tamil Nadu Uniformed Services Recruitment Board,  
Anna Salai, Chennai-600 002.

... Respondent

**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the respondent dated 3.7.2013 in Na.Ka.NO.A3/02131/2013 and quash the same and further directing the respondent to award half mark to the petitioner for sports certificate as per the Information Brochure issued by the respondent and include the petitioner in the list of selected candidates to the post of Gr-II Police Constables/Gr-II Jail Warders/Fireman-2012 and consequently appoint the petitioner as Gr-II Police Constable or Gr-II Jail water or fireman on par with his batch mates with all consequential service benefits.

For Petitioner : Mr.T.Selvam

For Respondent : Mr.M.Jeyakumar

Additional Government Pleader

**ORDER**

The order of rejection, dated 3.7.2013 rejecting the candidature of the writ petitioner for selection and appointment to the post of Grade-II Police Constable, is under challenge in the present writ petition.

2. Pursuant to the recruitment notification for selection to the post of Grade II Police Constable, the writ petitioner submitted his application and subsequently appeared in the written examination. The petitioner was successful in the written examination and participated in the physical verification test and for certificate verification.

3. The grievance of the writ petitioner is that 0.5 marks which is to be granted for sports certificates. 0.5 marks to be awarded towards sports certificate were not granted to the writ petitioner, if that 0.5 marks are awarded, the writ petitioner would be selected and appointed to the post of Grade-II Police Constable. On account of this, an opportunity of the writ petitioner for appointment was denied.



4. The learned Additional Government Pleader appearing on behalf of the respondents states that the candidates were provided with brochure containing the instructions. As per para-27 of the brochure it was made clear to all the candidates that they should produce the original sports certificate before the Chairman Sub Committee for verification and only in the event of submitting the original certificate, 0.5 marks will be awarded for sports certificate along with the written examination marks. However, the writ petitioner during the time of certificate verification had not submitted the original sports certificate to the Chairman Sub Committee. Thus, no marks were awarded to the writ petitioner. The above said facts are narrated in para-7 and 8 of the counter affidavit filed by the respondent recruitment board, which all are extracted hereunder:-

"7. It is submitted that on scrutiny of his application in the initial stage, it was found that the petitioner has enclosed the copy of NSS certificate and Sports Certificate. But during the certificate verification, the petitioner has failed to produce the original sports records before the Sub-Committee Chairman, Tirunelveli District. Further in his coding sheet in Coloumn No.12 it has been shaded as "No". Moreover, in the Sub-Committee Chairman's report of candidates who had submitted their Sports Certificate, the name of this petitioner was not included. Hence the respondent had no opportunity to forward his sports certificate for valuation. This was due to the clear omission on the part of the petitioner by not complying with para 27 of the brochure. Non-selection of the petitioner being of contributory negligent on the part of petitioner he is barred to blame the respondent.

8. It is submitted that in para 27 of the Brochure issued to the candidates along with the application has clearly stated that  
Certificate Verification:

"During the original certificate verification, the copies of the original certificates which were enclosed along with application only will be accepted. If any other new certificates/copies which were not enclosed along with the application will not be accepted. The candidates who are called for Physical Endurance Test should produce the age, educational qualification and community certificate and if the candidates are Sports men, they should produce the Sports certificate in Form-I or Form-II or Form-II, if the candidates are Ex-Servicemen they should produce the relevant certificates, if the candidates come under wards cum dependent quota, they should produce the wards cum dependent certificate which were obtained after the date of notification, if the candidates are destitute widows should



produce the relevant certificates and the candidates of National Cadet Corps, National Service Scheme should furnish National Cadet Corps, National Service Scheme certificates and other Sports certificates at the time of original certificate verification. The candidates who have not possessed prescribed age and Educational qualification will be disqualified at the preliminary stage of the certificate verification."

5. When the instructions contained in the brochure supplied to the candidates at the time of application categorically enumerates that during the certificate verification the candidates must submit the original sports certificate for verification before the Chairman Sub Committee. The same is to be produced for the purpose of warding marks. When the writ petitioner himself has not submitting the original certificate before the Chairman Sub Committee for verification, the writ petitioner now cannot claim that the authorities have not awarded 0.5 marks for sports certificate. The non-granting of marks occurred on account of the mistake committed by the writ petitioner for which, the authorities cannot be blamed.

6. This apart, the recruitment was of the year 2012-2013 and now after a lapse of 6 years, the claim set out in the writ petition cannot be granted. Thus, the writ petition is devoid of merits and accordingly dismissed. No costs.

7. The writ petitioner is at liberty to participate in the next ensuing recruitment process, if any notified and if he is otherwise eligible as per the rules in force. This Court wishes the writ petitioner to secure the employment on merits.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

The Chairman-cum-Director General of Police,  
Tamil Nadu Uniformed Services Recruitment Board,  
Anna Salai, Chennai-600 002.

+1 CC to Mr.T.SELVAN, Advocate ( SR-81086[F] dated 09/08/2019 )  
+1 CC to SPL GP ( SR-81220[F] dated 09/08/2019 )

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