

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

DATED: 30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.13631 of 2014**

WEB COPY

Selvi P.Pandeeswari

... Petitioner

Vs.

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee, Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to accommodate the petitioner in the employment as petitioner got through the written and other necessary tests of recruitment board for the post of Grade II Police Constable/Grade II Jail Wardens/Fireman 2012 Male/Female Constable.

For Petitioner : Mr. V.Raghavachari,
For Respondent : Mr.S.Dhayalan,
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to the respondent to accommodate the petitioner in the employment as petitioner got through the written and other necessary tests of recruitment board for the post of Grade II Police Constable/Grade II Jail Wardens/Fireman 2012 Male/Female Constable.

2. Pursuant to the recruitment notification issued by the respondent, the writ petitioner participated in the process of selection. The writ petitioner was successful in the written examination and subsequently, participated in the physical eligibility test, endurance test and other tests conducted by the competent authorities of the recruitment board. The petitioner was successful and she is secured 56 marks in total and she became qualified for appointment to the post of Grade-II Women Police Constable, however, the petitioner was not selected. On enquiry, the petitioner came to understand that she was not selected on account of the fact that another candidate, who secured 56 marks was selected and appointed.

3.The learned counsel appearing on behalf of the writ petitioner states that when two candidates scored the same marks, then the petitioner also should have been appointed along with other candidate. The writ petitioner was selected in all respects and she was well within the zone of consideration. Thus, non appointment of the writ petitioner is invalid and therefore, the petitioner is constrained to move the present writ petition.



4. The learned Government Advocate appearing on behalf of the respondent disputed the contentions of the writ petitioner by stating that the writ petitioner participated in the process of selection, she was successful in the written examination and she scored 56 marks in total. 47 marks were granted for written test and 9 marks were granted for physical efficiency test, in total the petitioner secured 56 marks. The petitioner belongs to Scheduled Caste community and the cut off mark for Scheduled Caste is 56 marks. However, the cut off date of birth for Scheduled Caste community for the last selected candidate was 15.9.1986 since the petitioner's date of birth is 30.04.1992, she was much younger to the cut off date of birth in respect of the Scheduled Caste Community. Under these circumstances, the writ petitioner was not selected and appointed. The selection list was published on 12.10.2012. This apart, in the information brochure at Page No.3 in Paragraph 13, it has been specifically stated that when two candidates stand on same qualification, then senior among them on their date of birth will be considered for further recruitment process. When the brochure containing the instructions to the candidates categorically enumerates that when two candidates scored same marks then the senior among the two based on their date of birth will be considered for selection. This is the usual process followed by all the recruitment agency. When more than one candidates scored the same mark then the date of birth will be the criteria for the purpose of finalising the select list. This being the procedure followed by the respondent in the matter of appointment of Grade-II Constable, there is no infirmity as such in respect of the decision taken by the respondent.

5. Undoubtedly, the petitioner was also successful and she secured 56 marks, however she was much younger during the relevant point of time comparing to the other candidate, who also scored the very same mark. Thus, the other candidate was selected and appointed based on the date of birth and there is no infirmity as such.

6. This being the factum, the respondents had not committed any irregularity and illegality in the matter of selection and appointment to the post of Grade-II Women Police Constable. It is left open to the writ petitioner to participate in the forthcoming recruitment process, if any notified and this Court wishes her to secure employment.

7. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (writs)

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To

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee, Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai-600 002.

+1 CC to SPL GP (SR-78945[F] dated 31/07/2019)
+1 CC to Mr.V.RAGHAVACHARI, Advocate (SR-78948[F] dated
31/07/2019)

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