



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD).No.16999 of 2015

and

MP (MD).No.1 of 2015

T.Selvakumar

... Petitioner

-Vs-

The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board, Chennai-2.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders in respect of BC (Police Ward Quota) dated 18.07.2015, issued by the respondent relating to fixation of cut-off mark for Certificate Verification (CV), Physical Measurement Test (PMT), Entrance Test (ET), Physical Efficiency Test (PET) and the consequential order dated 21.08.2015 relating to fixation of cut-off marks for viva voice in direct recruitment to the post of Sub Inspector of Police, 2015 published by the respondent and quash the same and consequently direct the respondent to conduct Certificate Verification (CV), Physical Measurement Test (PMT), Entrance Test (ET), Physical Efficiency Test (PET) to the petitioner.

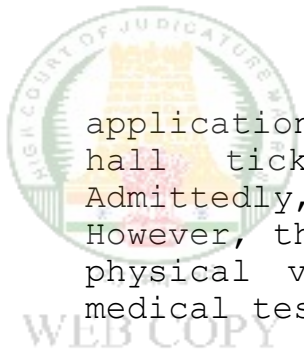
For Petitioner : Mr.B.N.Rajamohamed

For Respondent : Mr.S.Dhayalan
Government Advocate

ORDER

The order of rejection rejecting the claim of the writ petitioner for selection and appointment to the post of Sub-Inspector of Police in proceeding, dated 18.07.2015, is under challenge in the present writ petition.

2.The writ petitioner states that his father was working as Sub-Inspector of Police, CBCID, Tirunelveli and pursuant to the recruitment notification issued for direct recruitment to the post of Sub-Inspector of Police, the writ petitioner submitted his



application under the Wards quota. The writ petitioner received the hall ticket and participated in the written examination. Admittedly, the writ petitioner scored 40.5 marks out of 70. However, the writ petitioner was not permitted to participate in the physical verification test, efficiency test, endurance test and medical test etc.

3.The learned counsel appearing on behalf of the writ petitioner states that the candidates who scored lesser marks were permitted to participate in the above tests and therefore, there is an illegality in the process of selection and accordingly, the case of the writ petitioner is to be considered. It is further contended that the writ petitioner scored 40.5 marks out of 70 in the written examination and therefore, he should have been permitted to participate in all other tests conducted, subsequent to the written test. In view of the above fact that one Mr.Manivannan, who scored 34.5 marks was permitted to participate in the other tests and got appointed. Citing the appointment of said candidate, the learned counsel for the writ petitioner states that there were certain irregularities in fixing the cut-off marks and manipulation in the process of selection.

4.Though there was a delay in filing the counter affidavit by the respondent, this Court granted time to file counter and the counter affidavit was filed in August 2019, narrating the entire facts and circumstances by the respondent. The procedures followed in the selection were narrated by the respondent. The stages of recruitment for the post of Sub-Inspector of Police are stated that:

- 1.Written examination.
- 2.Certificate Verification (CV) / Physical Measurement Test (PMT) / Endurance Test (ET) / Physical Efficiency Test (PET).
- 3.Viva-voce.

5.The stages of recruitments were categorically enumerated in the recruitment notification, dated 18.02.2015. Accordingly, the following procedures are followed:-

"a. The number of candidates called for the second stage namely, CV/PMT/ET/PET will be in the ratio of 1:5 (i.e.) the number of candidates called for the second stage will be restricted to 5 times the number of vacancies in each quota/category.

b. The candidates who qualify in the Physical Efficiency Test will be called for Viva-voce in the ratio of 1:2 (i.e.) the number of candidates called for the second stage will be restricted to 2 times the number of vacancies in each quota/category."



6.The allotment of marks to the open quota candidates are also enumerated in paragraph No.7, which is extracted hereunder:-

SI.No.	Tests	Marks
1.	Written Examination	70 marks
2.	Physical Efficiency Test	15 marks
3.	Special Marks	5 marks (NCC 2 marks, NSS 1 mark, Sports 2 marks)
4.	Viva-voce	10 marks
	Total	100 marks

7. The petitioner belongs to BC Community and scored 40.50 marks in the written examination. The cut-off marks for BC (General), police ward in the written test was 44 marks. The petitioner did not score the required cut-off marks and therefore, he was not allowed to participate in the second stage of selection process, namely, Physical Measurement Test, Endurance Test and Physical Efficiency Test.

8. It is further contended that there are multiple stages in the recruitment process and cut-off marks are published in the website after each stage to ensure transparency and fairness in the selection process and the following procedures are stated:-

"a. The first cut-off marks is published after written test in the ratio 1:5 and candidates who qualify the written exam are allowed to participate in the physical measurement / endurance test / physical efficiency test.

b. The second cut-off marks is published after conduct of physical efficiency tests at the ratio of 1:2 (i.e.) 2 times the vacancies and eligible candidates are allowed to participate in the viva-voce.

c. The final provisional select list is published after the viva-voce."

9.The first cut-off mark published in the ratio of 1:5 is generally quite high for the following reasons:-

"a. There are larger number of candidates (i.e.) around 1.5 lakh candidates participated in the written test and 70% of them cleared the written examination.

b. There is stiff competition among candidates. Moreover there is adequate number of candidates available under each quota (General, Sports and Wards and each community and gender segment) for filling up 1:5 ratio. The cut-off in the written examination is



hence quite high for general quota candidates. However, the cut-off is lower for special quota (sports, police wards and ministerial wards) candidates in reserved communities."

10.The second cut-off mark is applied after completion of PET to admit candidates for the viva-voce, which is restricted to 1:2 ratio (i.e.) only two times of the vacancies. Generally the second cut-off mark goes down in certain segments on account of the following factors:-

"a. There are lesser numbers of candidates competing at this stage.

b. Overall, only 5000 candidates compete at this stage as against 1.5 lakh candidates at the written examination stage.

c. Moreover there is substantial percentage of disqualification at PMT/ET/PET stage.

d. The number of candidates who qualify after the second stage is hence reduced substantially by 50-60%."

11.The reservation system followed by the respondent / Recruitment Board is complex as there are:-

"a. Departmental quota-20%.

b. Sports quota-10%.

c. Wards quota-10% (10% of wards quota is being allotted to the wards of ministerial staff working in Police department)

d. 30% reservation for women.

e. Communal reservation is also provided within each quota.

f. Finally we have 20% reservation on preferential basis within each quota (community gender segment) for candidates who had studied in tamil medium.

Overall, vacancies are divided into 56 segments which involves general / special quota and community reservation. Within each of the special quota and in general quota, community reservation is provided and in community reservation, reservation for women is also provided. "

12.This sports and wards quota are parts of the open quota. These are all no separate quotas and examination is the same. Thus, they are called as special quotas:-

Open Quota (80%)		Departmental quota (20%)
General quota (60%)	Sports quota (10%)	
	Wards quota (10%)	



If a sports quota / wards quota candidate performs better, he may be selected under the general quota on merit as per standard procedures followed by all recruiting agencies including UPSC and TNPSC. Sports and wards quota candidates who score higher marks in the written examination than the general cut-off mark are called under the general quota. Usually sports and wards quota have lower cut-off marks due to lesser competition.

14.The sequence of filling of vacancies in 1:5 ratio slots / 1:2 ratio slots has to be done in a prescribed manner which is enumerated below:-

	General Quota (60%)	Police Ward (9%)	Ministerial Ward (1%)	Sports (10%)
GT-General	1.	15.	29.	43.
GT-Women	2.	16.	30.	44.
BC-General	3.	17.	31.	45.
BC-Women	4.	18.	32.	46.
BCM-General	5.	19.	33.	47.
BCM-Women	6.	20.	34.	48.
MBC-General	7.	21.	35.	49.
MBC-Women	8.	22.	36.	50.
SC-General	9.	23.	37.	51.
SC-Women	10.	24.	38.	52.
SCA-General	11.	25.	39.	53.
SCA-Women	12.	26.	40.	54.
ST-General	13.	27.	41.	55.
ST-Women	14.	28.	42.	56.

15.The general turn, GT-General of 31% (OC) has to be filled first. It comprises all top meritorious candidates irrespective of community or gender or special quota. It means that even a reserved candidate who has applied under the special quota if meritorious can occupy the slot meant for GT General. After filling the top meritorious candidates in the general turn vacancies for GT-Woman is filled up followed by BC-General in the sequence described in the above said table.

16. Around 5000 candidates only took part in the second stage (PMT/ET/PET) of which around 2000 candidates only at the ratio of 1:2 were called for

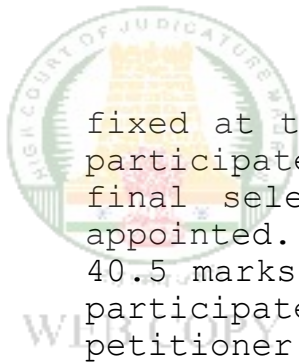


viva-voce. Moreover after disqualification in the physical efficiency test competition amongst candidates gets narrowed down to the next stage. It is hence natural that the cut-off tends to reduce in certain categories where the competition is not so intense.

13.The cut-off marks for PET 1:5 ratio and Viva-voce 1:2 ratio is also elaborately provided in the counter which is extracted hereunder:-

	Open		Sports		Police Wards		Ministerial Wards	
	1:5	1:2	1:5	1:2	1:5	1:2	1:5	1:2
GT-General	52.50	65.50	40.50	53.00	46.50	53.00	45.50	46.00
GT-Women	46.00	48.00	33.00	---	30.50	---	25.50	---
BC-General	49.50	58.50	34.50	44.50	44.00	46.50	37.00	46.00
BC-Women	42.00	34.00	28.00	---	25.00	---	---	---
BCM-General	46.00	45.50	27.50	42.00	40.00	---	---	---
BCM-Women	34.50	44.50	---	---	26.00	---	---	---
MBC-General	49.50	58.50	34.00	48.50	44.00	51.50	41.00	---
MBC-Women	42.00	35.00	26.00	---	24.50	---	---	---
SC-General	48.50	57.00	32.50	46.00	42.50	51.50	34.00	---
SC-Women	41.00	32.00	25.50	---	24.50	---	---	---
SCA-General	46.00	34.50	26.00	---	34.50	---	---	---
SCA-Women	38.00	---	24.50	---	29.50	---	---	---
ST-General	44.00	54.00	31.00	37.00	---	---	---	---
ST-Women	33.00	46.50	---	---	---	---	---	---

14.As per the above said column, the cut-off mark fixed for police wards was 44 at the written examination stage and 46.50 in the final stage. Thus, the cut-off marks were assessed at second stages in order to filter the candidates so as to conduct the process of selection in an effective manner. Accordingly, after the written examinations, the candidates were selected at the ration of 1:5 and accordingly, permitted to participate in the physical efficiency test, endurance test etc. Thereafter, the marks are given for Viva-voce (10 marks), Special certificates (5 marks) and for other events (15 marks) and totally valuation were made for 100 marks (i.e) to say 70 marks for written examination and 30 marks for other tests and for events including Viva-voce. Thus, the first cut-off mark of 44 was adopted for the purpose of selecting candidates at the ratio of 1:5 and after completion of the efficiency test, endurance test etc. , the final cut-off mark was



fixed at the ratio of 1:2. Thus, the candidates were permitted to participate in the Viva-voce at the ratio of 1:2. Accordingly, the final selection list was drawn and candidates were selected and appointed. In view of the fact that the writ petitioner had scored 40.5 marks in the written examination, he was not even eligible to participate in the next level of test. Thus, the case of the writ petitioner was rejected.

15. In respect of the arguments advanced by the learned counsel appearing on behalf of the writ petitioner that the case of one Mr. Manivannan was considered and he was permitted to participate in the Physical Measurement Test and Physical Efficiency Test etc., despite the fact that he scored lesser marks than that of the writ petitioner. In this regard, paragraph No.22 of the counter states that the said candidate Mr. Manivannan was selected under the Sports quota. As far as the Sports quota is concerned, in paragraph No.10 of the counter affidavit, it is stated that "the cut-off mark is lower for special quota (sports, police wards and ministerial wards) candidates in reserved communities", so comparing to the open quota marks, the cut-off mark fixed for the Sports quota was lesser. In view of the fact that the lesser number of candidates have participated under the Sports quota. Thus, the cut-off mark in the written examination, as far as the Sports quota candidates are concerned, it was 34.5 marks and on that ground alone Mr. Manivannan was permitted to participate in the next level test, namely, physical verification test and endurance test etc. Thus, it is clarified that said Mr. Manivannan was permitted to participate in other tests, in view of the fact he was falling under the Sports quota. This being the factum expressed in clear terms in the counter affidavit, this Court is of the opinion that the writ petitioner has not established any acceptable legal grounds so as to interfere with the process of selection.

16. Power of judicial review under Article 226 of the Constitution of India, in respect of such selection procedures are undoubtedly limited. Only in the event of malpractices or corrupt activities or illegal, the power of judicial review cannot be exercised under the writ jurisdiction. In the absence of any such irregularity, illegality, malpractices or corrupt activities, the procedures followed is to be accepted in the normal condition and only in the event of any gross violations, the Court can interfere and not otherwise. Certain minute mistakes, if at all committed in the process of selection if so negligent, the same cannot constitute a ground for quashing the selection, are to be provided appointment to the person, who is approaching the Court. The writ petitioner permitted in the written examination and therefore, now he cannot question the selection process, in the absence of any valid legal grounds. This being the procedures to be followed, this Court has no hesitation in coming to the conclusion that the writ petitioner has not established any acceptable legal grounds for the purpose of



W.P.(MD).No.16999 of 2015

considering the relief as such sought for in the present writ petition.

17. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

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To
The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board, Chennai-2.

+1 CC to M/s.SPL GP (SR-80327[F] dated 07/08/2019)

W.P. (MD) .No.16999 of 2015
06.08.2019

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