

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

DATED: 31.07.2019

CORAM:

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

WEB COPY

W.P. (MD) No. 20662 of 2015
and
M.P. (MD) Nos. 1 and 2 of 2015

P.Ponpandian

... Petitioner

Vs.

Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road,
Egmore,
Chennai-600 008

Rep by its Member Secretary.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, calling for the records relating to the impugned SI-2015 Recruitment (Sub-Inspector Taluk) Departmental Quota - Provisional Selection List released by the respondent on 15.11.2015 in its website and quash the same as illegal insofar as the non inclusion of the petitioner's name is concerned and consequently direct the respondent to call the post of Sub-Inspector of Police (Taluk) within the period that may be stipulated by this Court.

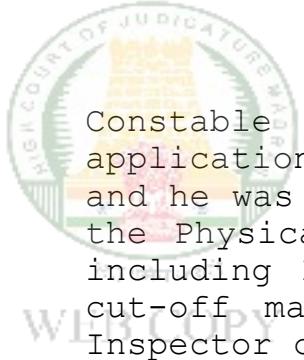
For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.S.Dhayalan
Government Advocate

ORDER

The provisional selection list for recruitment to the post of Sub-Inspector of Police issued in proceeding dated 15.11.2015 is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that pursuant to the recruitment notification issued by the respondent for selection and appointment to the post of Sub-Inspector of police. The writ petitioner, who was already working as Grade-II



Constable in Tamil Nadu Police Service, has submitted his application. The petitioner participated in the process of selection and he was successful in the written examination. He participated in the Physical Verification Test, Endurance Test and all other Tests including Medical Test. The petitioner scored 71.5, which is the cut-off mark for selection and appointment to the post of Sub-Inspector of Police.

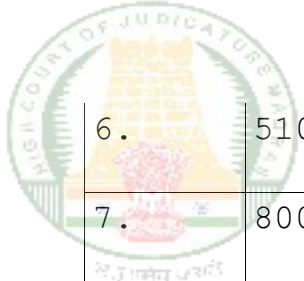
3.The learned counsel for the writ petitioner states that though the writ petitioner scored the required cut-off mark of 71.5% out of 100, he was not selected for the reasons not known to him. The other persons, who have been secured 71.5% marks were appointed and under those circumstances, the writ petitioner was constrained to move the present writ petition.

4.Admittedly, the petitioner scored 71.5 % marks, which is cut-off mark fixed for MBC category.

5.The learned Government Advocate appearing on behalf of the respondent also confirms that the cut-off mark for MBC category was 71.5%. However, it is brought to the notice of this Court that several persons had scored cut-off mark of 71.5% in various categories and therefore, the appointments were provided based on the date of birth seniority. The said condition was contemplated in the terms and conditions of the recruitment itself. When more than one candidate scored same cut-off marks than the selection must be provided in accordance with the date of birth seniority. Accordingly, the writ petitioner was also considered along with all other candidates, who secured cut-off mark of 71.5% and the writ petitioner being the youngest candidate was not selected.

6.Pursuant to the direction of this Court, the Superintendent of Police, Tamil Nadu Uniformed Services, Recruitment Board, Chennai, has submitted the details of the provisional selection list, in respect of the writ petitioner, which is extracted hereunder:

S.No.	Enrollment No.	Name	Mark	D.O.B
1.	5400233	N.K.Elumalai (MBC-Selected)	71.5	12.05.1973
2.	7400318	B.Gandhi (BC-Selected)	71.5	25.05.1974
3.	8000124	M.Chelliah (MBC-Selected)	71.5	07.03.1975
4.	7500330	Labagusan (BC-Selected)	71.5	12.05.1976
5.	5100884	K.Srinivasan (MBC-Selected)	7.5	17.12.1976

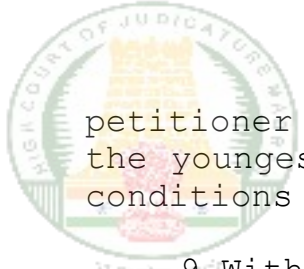


6.	5101897	P.Viswanathan (BC-Selected)	71.5	28.06.1977
7.	8000376	Jeyarath (BC-selected)	71.5	31.03.1978
8.	5400098	D.Deva Prasath (BC-Selected)	71.5	01.02.1979
9.	5102115	T.Ramesh (BC-Selected)	71.5	05.10.1979
10.	8000343	Muthukumar (BC-Selected)	71.5	04.03.1980
11.	6300016	S.Sivalingam (BC-Not Selected)	71.5	12.02.1982
12.	6600422	K.Sasi Kumar (BC- Not Selected)	71.5	03.06.1982
13.	7400850	K.Mohandas (MBC- Not Selected)	71.5	02.06.1983
14.	5500027	K.Selvakumar (MBC - Not selected)	71.5	10.04.1984
15.	5600115	R.Senthil Kumar (BC Not Selected)	71.5	21.07.1984
16.	6400110	K.Prabhu Sivasankar (BC-Not Selected)	71.5	14.04.1985
17.	7100011	P.Suresh (MBC Not Selected)	71.5	10.05.1985
18.	7100076	S.Chandra Kumar (MBC Not selected)	71.5	25.03.1986
19.	8100103	P.Ponpandian (MBC Not selected)	71.5	19.04.1986
20.	5100577	Sivaganesakumar (MBC Not Selected)	71.5	05.03.1987
21.	6400150	K.Sritharakrishnan (BC Not Selected)	71.5	02.06.1987
22.	6400153	C.Durairaj (BC not Selected)	71.5	07.05.1988

7.In view of the fact that the writ petitioner, who scored required cut-off mark was not selected, on account of the fact that many other persons also scored the same cut-off mark and the writ petitioner being the youngest person, as per the date of birth he was not selected. Even as per the terms and conditions of the recruitment, more than one candidate scored the same cut-off mark then the date of birth will be the criteria for the purpose of considering the selection and appointment.

<https://hcservices.ecourts.gov.in/hcservices/>

8.In view of the said fact, this Court is of the opinion that there is no infirmity in respect of the selection made and the writ



petitioner was also considered along with other candidates an being the youngest person and he was not appointed based on the terms and conditions of the recruitment.

9. With the above observation, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To:

The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road,
Egmore,
Chennai-600 008

+1 CC to M/s.SPL GP (SR-79211[F] dated 01/08/2019)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-79288[F] dated 01/08/2019)

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ns
JM/16.08.2019/4P/4C