



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.18399 of 2020

and

W.M.P. (MD) No.15392 of 2020

J.Pandidurai

...Petitioner

Vs

- 1.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
No.807, P.D.V. Sengalvaraya Naicker Maligai,
Anna Salai, Chennai -2.
 - 2.The Director General of Police,
Kamarajar Salai,
Kailasapuram,
Mylapore, Chennai -4.
 - 3.The District Superintendent of Police,
District Superintendent of Police Office,
Korampallam,
Thoothukudi District.
 - 4.The Chairman/Member,
Sub-Committee of Tamilnadu Uniformed Services Recruitment,
Thoothukudi Board,
District Superintendent of Police Department Office,
Thoothukudi.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent in his proceedings C.No.D2/3543/2020 dated 14.08.2020 quash the same and consequently directing the respondents to issue an order of appointment to the petitioner as Grade II Police along with the selected candidates in the Notification No.1/2020 dated 17.09.2020 with pay all other monetary and service benefits.

For Petitioner	:	M/s.M.Shobana
For Respondents	:	Mr.K.Chellapandian
		Additional Advocate General assisted by
		Mr.M.Jeyakumar
		Additional Government Pleader



ORDER

This Writ Petition is filed to quash the impugned order passed by the 2nd respondent in proceedings No.C.No.D2/3543/2020, dated 14.08.2020 and to direct the respondents to issue an order of appointment to the petitioner as Constable Grade-II.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that in pursuant to the notification No.1/2019 issued by the 1st respondent, the petitioner applied for the post of police Constable Grade-II through online along with Form-2 certificate under the sports quota. Thereafter, the petitioner was called for written examination and after successfully completing the written examination, he was called for physical efficiency test.

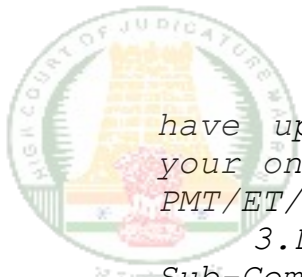
4.The learned counsel would further submit that the petitioner has also successfully completed the physical efficiency test and therefore, he was called for certificate verification scheduled to be held on 21.11.2019 and the petitioner has also participated in the certificate verification. In the meantime, the petitioner got a message from AX-TNUSRB, wherein, it had been mentioned that the certificate submitted by the petitioner is not recognized by the Sports Development Authority of Tamilnadu and therefore, his application was transferred to General quota, which is arbitrary and illegal.

5.Thereafter, the petitioner has made a detailed representation, dated 19.03.2020 to the respondents along with Form-3 certificate, requesting them to consider his Form-3 certificate given by the Tamilnadu Physical Education University and to appoint him as Constable Grade-II under the sports quota. But, the 2nd respondent had rejected the petitioner's claim and passed the impugned order, dated 14.08.2020. Challenging the same, the petitioner is before this Court.

6.Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.M.Jeyakumar, learned Additional Government Pleader would submit that the petitioner has not uploaded the Form 3 certificate, while applying for the said post and now the entire selection process have been completed. He would further submit that though the impugned order was passed on 14.08.2020, the petitioner has filed the present writ petition, after a period of 3 months, ie., on 10.12.2020. The learned Additional Advocate General, in support of his contention, relied on the impugned order, dated 14.08.2020, wherein, it had been stated as follows:-

"2.It is hereby informed that you are a candidate for the recruitment of Grade II PC 2019 under sports quota. You

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



have uploaded your Form-2 Sports certificate and based on your online application you were allowed for written exam and PMT/ET/PET/CV.

3. During the certificate verification by the Thoothukudi Sub-Committee, it was found that you have not produced the recognized Form-I/II/III sports certificate which is mandatory to consider you under sports quota. The eligibility for applying under 10% sports quota has been enumerated in Para IX, A(5) in the notification and in Para 7(1) of the Information brochure which mandates the candidate to upload Form-I/Form-II/Form-III certificate issued by the Authorised Authorities. The Tamilnadu Rural Games Association which had issued the Form-2 certificate uploaded by you is not recognized by Sports Development Authority of Tamil Nadu, Tamil Nadu Olympic Association and Indian Olympic Association. Hence, the Form-2 certificate enclosed by you was not considered and your status was changed from "Sports category" to "General category" and subsequently you were not provisionally selected.

4. Aggrieved over the Non-selection you have filed a writ petition in W.P.(MD) No.7226 of 2020 before the Hon'ble Madurai Bench of Madras High Court with the prayer to consider your representation dated 19.03.2020.

5. The Hon'ble High Court through its order dated 03.07.2020 directed the Board to consider your representation dated 19.03.2020. The Board hereby informs you that you have failed to submit the eligible Form I/II/III certificate to be considered under Sports quota along with your online application within the stipulated time. The board had completed the recruitment process and the final provisional selection list was published on 04.02.2020. Training also commenced on 03.05.2020.

6. While so you had sent a representation to the board on 19.03.2020 enclosing a Form-3 certificate issued by the Tamil Nadu Physical Education University and requested to appoint you under sports quota. In spite of the clear instructions given in Para IX, A(5) in the notification and in Para 7 (1) of the information brochure, you have failed to upload the eligible sports certificate along with your online application within the stipulated time. Hence, for the aforesaid reasons your request cannot be considered."

7. For the aforesaid submission, the learned counsel appearing for the petitioner prays this Court that the petitioner may be allowed to participate in the recruitment process for the said post, in future, under sports quota.

8. In reply, the learned Additional Advocate General would submit that if the petitioner applies for the said post in future



along with necessary certificates including the Form 3 certificate in a proper manner, his application may be considered on merits and in accordance with law by the respondents.

9. Heard the learned counsel on either side and perused the materials available on record.

10. On a perusal of the papers, *prima facie*, it appears that without uploading the Form 3 certificate, the petitioner has applied for the post of Constable Grade II along with Form 2 certificate and therefore, the 2nd respondent has passed the impugned order, dated 14.08.2020. Further, it appears that though the petitioner's candidature has been rejected, vide impugned order, dated 14.08.2020, the petitioner has come up before this Court after a period of 3 months, instead of approaching this Court immediately. Even if the petitioner came up before this Court in the right time, the writ petition could not be entertained, since the petitioner has failed to upload the Form 3 certificate, while applying for the said post.

11. In such view of the above, I do not find any illegality in the impugned order, dated 14.08.2020. However, this Court hopes that if the petitioner applies for the said post in future along with necessary certificate including the Form 3 certificate, his application may be considered on merits and in accordance with law by the respondents.

12. With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
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Sub-Committee of Tamilnadu Uniformed Services Recruitment,
Thoothukudi Board,
District Superintendent of Police Department Office,
Thoothukudi.

+1 CC to M/s.GP (SR-25706[F] dated 16/12/2020)

W.P. (MD) No.18399 of 2020
14.12.2020

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