



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18467 of 2014

and

M.P (MD) No.2 of 2014

M.P (MD) Nos.1 and 2 of 2015

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K.Mariselvam

... Petitioner

Vs.

1.The Union of India,

Represented by its Secretary,
Ministry of Personnel, P.G & Pension,
Department of Personnel and Training,
New Delhi.

2.The Chairman,

Staff Selection Commission,
Southern Region,
E.V.K.Sampath Buildings,
2nd Floor, College Road,
Chennai - 600 006.

3.The Selection Officer,

Staff Selection Commission,
RTC ITBP
Iluppaikuri Village,
Padamathur Post,
Sivagangai District,
Tamil Nadu,
(Board - 1)

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the 2nd Respondent's Border Security Force Selection list prepared based on the Notification published in the Employment News / Rozgar Samachar, dated 03.12.2011 and quash the same as illegal and further direct the 2nd Respondent to prepare the correct eligible list by providing employment to the petitioner in the Border Security Force.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.C.Nandagopal
Central Govt. Standing Counsel



O R D E R

The relief sought for in the present writ petition is to quash the selection list issued by the 2nd Respondent Border Security Force and pass necessary orders.

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2. The petitioner states that he is fully qualified for appointment in Border Security Force. He participated in the process of selection and not selected due to the improper selection conducted.

3. The respondents filed a counter stating that the recruitment was conducted in accordance with Rules and as per the Notification. The petitioner applied under OBC category for Recruitment of Constable (G.D) in CAPFs and Rifleman (GD) in Assam Rifles, 2012. The petitioner though participated in the process of selection he was unsuccessful. The petitioner secured 38 marks and the lowest marks fixed for selection was 49. In other words, the cut off marks for OBC category was 49 and the petitioner secured only 38 marks. Thus, the petitioner was not selected.

4. This Court is of the considered opinion that the candidates, who participated in the selection, cannot challenge the entire process of selection, unless there is a patent illegality or there is a violation of Rules in force. In the present case, the writ petitioner had participated in the process of selection and secured 38 marks and the cut off marks fixed for selection is 49. This being the factum, the petitioner has not made out any *prima facie* case for the purpose of considering the relief as such sought for in the present writ petition and the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-I)

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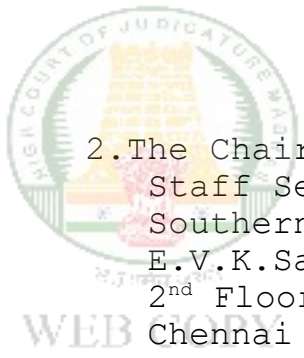
/ /2020

Sub Assistant Registrar (CS)

MPK

To

1. The Secretary,
Union of India,
Ministry of Personnel, P.G & Pension,
Department of Personnel and Training,
New Delhi.



2.The Chairman,
Staff Selection Commission,
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VB (30.11.2020) 3P 4C