

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7643 of 2021
and
WMP.No.8159 of 2021

B. Akkim

...Petitioner

-vs-

1. The State of Tamil Nadu
Rep.by its Principal Secretary to Government
Home Department,
Fort St.George,
Secretariat, Chennai 600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai 600 008.
3. The Member Secretary
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai 600 008.
4. The Director General of Police
O/o.The Director General of Police
Mylapore,
Chennai 600 004.

...Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to treat the petitioner's candidature bearing Registration No.1210305 under the PSTM category for appointment to the post of Sub Inspector of Police and allow the petitioner to participate in the next level of selection process by considering his representation dated 16.03.2021.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mrs.P. Rajalakshmi
Addl.Govt.Pleader

ORDER

This writ petition has been filed to direct the respondents to treat the petitioner's candidature bearing Registration No.1210305 under the PSTM category for appointment to the post of Sub Inspector of Police and allow him to participate in the next level of selection process by considering his representation dated 16.03.2021.

2. Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice for Respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that in view of the Notification No.2/2019 issued by the Tamil Nadu Uniformed Services Recruitment Board dated 08.03.2019 calling for Direct Recruitment for the post of Sub Inspector of Police (Taluk Armed Reserve and Tamil Nadu Special Police) 2019. The petitioner applied for the same under the open category and not by the Departmental category and was called for written examination held on 2.01.2020. After succeeding the same, later he was called for Physical Endurance Test held on 13.10.2020 and 27.10.2020. Subsequently the petitioner was selected in the physical Endurance Test and also completed the certificate verification on the very same day. Though the petitioner belonged to Backward Class Community, he secured 45.5 marks out of 70 in the written examination and secured 12 marks out of 15 in the Physical Endurance Test. The total marks secured by the petitioner was 57.5 in the selection process and the next level was Viva Voce Test. The petitioner studied his school education and degree in Tamil Medium. While being so, similar to the petitioner's qualification the individuals who are similarly placed filed the writ petition before the Madurai Bench of Madras High Court in W.P.(MD).No.19112, 19121, 19123 & 19668 of 2020 claiming them to be treated under the PSTM category and after elaborate arguments advanced by either side the writ petition was allowed by order dated 10.02.2021.

4. It is further averred in the affidavit that though the petitioner has scored 57.5 marks in BC category now the persons who had scored lesser marks than his are called for Viva Voce in the petitioner category under the PSTM Quota. Further it is averred that in the writ petition in W.P.(MD).Nos.19112/2020 the respondents admitted that out of total vacancies, 20% has been earned mark for PSTM category which comes around 155 posts but 102 candidates alone were called for viva voce under the PSTM quota. The remaining 53 posts earned marks to the PSTM category remain vacant. Under these circumstances the petitioner sent a

representation on 16.03.2021 to the respondents to consider him in any one of the vacancy. Since there was no response from the respondents, the petitioner has come forward with the present writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation dated 16.03.2020 is already pending with the respondents and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 16.03.2020 if the petitioner is found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a copy of this order. In the light of the decision of the Hon'ble Division Bench of this Court in W.P.(MD). No.19112, 19121, 19123 & 19668 of 2020 dated 10.02.2021.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 16.03.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served

for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To:

1. The Principal Secretary to Government
Home Department,
Fort St.George,
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2. The Chairman,
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4. The Director General of Police
O/o.The Director General of Police
Mylapore,
Chennai 600 004.

+1cc to Mr.R. Jayaprakash, Advocate, S.R. No 19518/2021

+1cc to Government Pleader S.R.No 19355/2021

W.P.No.7643 of 2021
and
WMP.No.8159 of 2021

JPL(CO)
RN(21/04/2021)