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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

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THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 10319 of 2021
and W.M.P.Nos.10897 & 10899 of 2021

Ramalakshmi P.

..Petitioner

Versus

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home (Police-II) Department,
Fort St. George, Chennai - 600 009.
- 2.The Director General of Police,
O/o. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai.
- 3.The Member Secretary,
The Tamil Nadu Uniform Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 600 008.
- 4.The Superintendent of Police,
The Tamil Nadu Uniform Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 600 008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent made in his proceedings in Na.Ka.No.R4/8668/2021, dated 19.03.2021 and quash the same and consequently direct the respondents to consider the candidature of the petitioner for the post of Sub-Inspector of Police called for by the 3rd respondent in Notification No.2 of 2019, dated 08.03.2019 under the sports quota on merits.



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For Petitioner : Mr.Silambannan [Senior Counsel]
For Mr.S.Ganeshkumar

For Respondents : Mr.C. Kathiravan,
Government Advocate

O R D E R

This Writ Petition is filed by the petitioner for issuance of Writ of Certiorarified Mandamus to call for the records of the 4th respondent made in his proceedings in Na.Ka.No.R4/8668/2021, dated 19.03.2021 and quash the same and consequently direct the respondents to consider the candidature of the petitioner for the post of Sub-Inspector of Police called for by the 3rd respondent in Notification No.2 of 2019, dated 08.03.2019 under the sports quota on merits.

2. The third respondent issued a Notification for selection of 969 candidates for the post of Sub Inspector of Police. The petitioner applied through on-line for the said post on 16.04.2019 under Sports Quota. Subsequently, a written examination was held on 12.01.2020. Thereafter, the third respondent sent an e-mail on 19.02.2020 directing the petitioner to produce Form-III Certificate with date of participation. The petitioner is a hockey player and had played in many matches particularly 4 Inter University Matches so as to make her eligible under Sports Quota. It is not in dispute that, as per the recruitment Notification, 10% was reserved under Sports Quota. To consider a candidate under Sports Quota, the candidate is required to produce Form-I or Form-II or Form-III for the approved 15 games/sports for events held within five years preceding the date of Notification i.e., from 08.03.2014 to 08.03.2019. It is not in dispute that the petitioner represented an university in an Inter University Competition on two occasions. The original certificates produced by the petitioner show that during the academic year 2013-2014 and 2014-2015, the petitioner had participated. The petitioner submitted Form-III that was issued by the University namely Madurai Kamaraj University indicating that she had participated in the Inter-University Tournaments held at (i) Mangalore University, Madikeri during 2013-14 and (ii) Kongunadu College of Engineering, Trichy, during 2014-15 representing Madurai Kamarajar University. However, the Form-III given to the petitioner, did not contain the specific dates of the events.

3. After attending the written examination held on 12.01.2020, she received a letter dated 19.02.2020 from the Inspector General of Police/Member Secretary of third respondent asking her to produce Form-III, certificate with date of



participation before 21.02.2020. It is the case of the petitioner that, though she had mentioned the dates of her participation, the Form-III issued by the Madurai Kamaraj University had only mentioned the years of participation i.e., 2013-2014 and 2014-2015. Since the University used to give the certificates only in the said format, the petitioner approached the Madurai Kamaraj University and requested them to issue revised Form-III mentioning the dates of events she had participated. Though the petitioner could produce the Form-III with reference to the date of participation, it appears that the said Form - III was not given within the time granted to the petitioner. It is stated that the petitioner mailed the certificates in Form-III with date of participation on 24.03.2020.

4. The petitioner had secured 43 marks out of 70 marks in the written examination. It is the case of the petitioner that she has secured 9 out of 15 marks in physical examination. Though the cut off mark was fixed as 57.5 for BC women under Sports Quota, the petitioner was not selected. Since the petitioner's certificate had not been accepted to make her eligible under Sports Quota, the petitioner was informed that she is not selected stating that 61 mark is the minimum marks earmarked for BC women under Sports. Hence, the petitioner has come forward with the present writ petition for the relief stated supra.

5. The learned counsel for the petitioner, by referring to the criteria fixed by the third respondent, pointed out that though the Form-III, was submitted by the petitioner, without mentioning the date, the same cannot be rejected on that score, as the requirement of furnishing the certificate with date of event is not found in the recruitment notification. It is only seen from the communication and not from the information brochure that was published while issuing the recruitment Notification, that the certificate should contain the dates of events.

6. The learned counsel for the third respondent/TNUSRB has filed counter affidavit, wherein it is stated that the third respondent had published the final provisional list on 15.04.2021 completing the process of selection at the Board. It is further submitted that the request of the petitioner cannot be entertained at this stage. It is an admitted fact that the petitioner had secured 43.00 marks in the written examination. It is also admitted that she has secured 9 marks in the physical test and secured 7.50 marks for Viva-Voice. Though the petitioner had secured 60.50 marks, in all, it is stated that she was not selected as the cut off mark for Backward Class (Taluk) is 62.50 and Armed Reserve (AR) is 61. As the



petitioner had not been considered under Sports Quota, she is certainly eligible as the cut off mark was only 57.50. The case of the third respondent is that though the petitioner applied under Sports Quota, she was informed the requirements of specific date in a communication.

7. From the counter affidavit, it is seen that the third respondent blamed the petitioner for negligence for not following the norms and procedures specified in the column and information brochure published. It is also stated that the third respondent had granted sufficient opportunities to the petitioner to send Form-III certificate with the date of participation, which is mandatory and that the petitioner had failed to get a revised certificate from the concerned University. It is only on account of the Form-III furnished without the date of event with the specific reference to the event, it is stated that the petitioner's candidature cannot be considered under Sports Quota. This Court considered the case of the petitioner, in the light of the information brochure published by the third respondent.

8. Clauses 9 and 10 of the Information Brochure of the Tamil Nadu Uniformed Services Recruitment Board read as follows:-

"9. Special Quotas:

Reservations are allotted to special quotas as follows:-

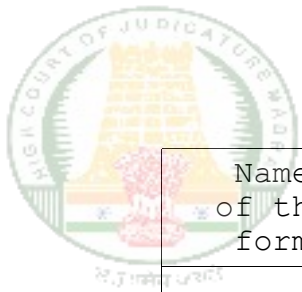
A. 20% Reservation is provided for Departmental quota candidates.

B. 10% Reservation is provided for Sports quota candidates.

10. Eligibility For Applying under 10% Sports Quota:-

(i) Candidates applying under 10% Sports Quota should fulfill all the norms prescribed for open candidates. In addition, the candidate is required to produce Form-I or Form-II or Form-III for the approved 15 games/sports for an event held within 5 years preceding the date of notification i.e. from 08.03.2014 to 08.03.2019.

(ii) The details of certificates required for claiming sports quota are as follows:-



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Name of the form	Level of Participation	Issuing Authority
Form-I	Represented India at International Competition	Secretary of the National Federation of the game concerned.
Form-II	Represented State at National Level Competition	Secretary of the National Federation or Secretary of the State Association of the game concerned.
Form-III	Represented University at Inter-University Competition	Director or other officer in-charge of sports in the University.

(iii) List of approved Games and Sports.

1.Basket Ball, 2.Football, 3.Hockey, 4.Volley 5.Hand Ball, 6.Kabbadi, 7.Wrestling, 8.Boxing, 9.Gymnastics, 10.Judo, 11.Weight Lifting, 12.Aquatics (Swimming), 13.Athletics, 14.Equititation (Horse riding) and 15.Rifle Shooting

(iv) The candidate should have participated in the events representing Tamil Nadu State/Indian Nation and obtained the Form-I or Form-II certificates from the recognized associations of Sports Development Authority of Tamil Nadu or Tamil Nadu Olympic Association or Indian Olympic Association.

(v) The candidates should have participated in the events representing the Tamil Nadu Colleges/Universities and obtained the Form-III certificates from the Director or other officer in-charge of sports in the University.

(vi) The Sports Quota candidate will have to participate in the Written Examination, Physical Measurement Test, Endurance Test and Physical Efficiency Tests and Certificate Verification.

(vii) The seniority of the candidates shall be based on the following order of distinction:-

a) Those who won medals in International Tournaments.

b) Those who represented in the International Tournaments.

c) Those who won medals in National Tournaments.

d) Those who represented in National Tournaments.

e) Those who won medals in the Inter-University Tournaments.

f) Those who represented in Inter-University Tournaments.



(viii). If candidates under Sports Quota secure the same marks and belong to the same community, the senior among the candidate (age) will be ranked higher.

(ix) In case of required number of candidates are not available in the Sports Quota, the vacancies would be transferred to open quota of the same community.

(x) Communal reservation is followed within Sports quota as per existing rules".

9. From the information brochure, it is clear that the third respondent accepted to the candidates applied under Sports Quota to produce Form-I or Form-II or Form-III which will be given only for 15 types of games. The Form-III will be given by University only if a candidate represented the University at Inter-University Competition. The certificate should be issued by the Officer, in charge of Sports in the University. The Form-I or Form-II or Form-III will be issued for the approved games for an event, which is held within five years preceding in the date of notification. The participation of the petitioner for the relevant period is from 08.03.2014 to 08.03.2019. The petitioner has participated during the academic year 2013-2014 and 2014-2015. The certificate clearly indicates the participation of the petitioner in an Inter-University Competition held within five years preceding with the date of notification. Atleast the participation of petitioner during 2014-15 will satisfy the norms as any date during academic year 2014-15 will make her eligible. Therefore, the certificate produced by the petitioner at the first instance itself will make her eligible and the petitioner was unfortunately informed once again to get another University certificate thinking that the certificate produced does not make her eligible to apply under Sports Quota. The third respondent is responsible for lapses in not granting the relief to the petitioner by requesting her once again to get another certificate from the University within a short period, which cannot be complied with.

10. This Court is of the view that the petitioner's candidature has been wrongly rejected by not considering her under Sports Quota. The eligibility of the petitioner's candidature is beyond doubt and the confusion created by the third respondent is unwarranted. It is true that for public employment, she should possess the qualification strictly in terms of the recruitment Notification and the petitioner is eligible to apply under Sports Quota which she had duly applied and eligible for the same. The amended certificate in Form-III is nothing but the same certificate including the dates of events.

11. Having participated in an Inter-University Tournament, within five years preceding in the recruitment Notification, the



petitioner is eligible to participate in the selection process under Sports Quota. This Court had an occasion to consider the similar issue in W.P.No.18784 of 2017 by order dated 24.07.2017 held in Paragraph Nos.13 & 14 which reads as follows:-

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"13.In our great nation, lakhs and lakhs of youths are unemployed and they are submitting applications after applications for various posts and putting tremendous effort in securing public employment with the State or Union. While sending such applications certain errors or omissions are possible and such human errors are certainly to be condoned and on that ground if application is rejected, it will be genuinely harsh.

14.The concern of the court is the genuinity of the candidate who committed such errors. Once the genuinity of omission is established, the Court should provide the helping hand to such candidates who are otherwise fully qualified and meritorious. The whole object of the public employment under the constitutional scheme is to recruit the meritorious candidates in the public offices in order to provide better and effective services to the citizen of this country. Thus, this Court is of the firm opinion that all public employment has to be provided to the meritorious candidates under the constitutional scheme and by following the reservations in this regard".

The petitioner herein has participated in an Inter-University event representing Madurai Kamaraj University for two consecutive years 2013-2014 and 2014-2015. Considering her participation in 2014-15, the petitioner falls within the eligible category to apply under Sports Quota. However, her candidature was not considered under Sports Quota as dates of events have not been mentioned by the University in Form-III certificate issued to the petitioner. It is the specific case of the petitioner that she had mentioned the dates of events in the application.

12. It is not in dispute that the University has also issued another Form-III mentioning the date of participation, as requested by the third respondent. However, the subsequent Form-III was not accepted on the ground that it was submitted beyond the time within which she was asked to submit by the communication sent by the third respondent. This Court is unable to see any justification for rejecting the claim of the petitioner under Sports Quota.



13. The respondents are expected to consider the revised Form-III, Sports Certificate as clarified by the University and the Form-III ought to have been accepted by the third respondent and therefore, there is no option except to allow this writ petition as prayed for.

14. This Court, after hearing this writ petition, passed an interim order on 23.04.2021 in W.M.P.No.10897 and 10899 of 2021 in W.P.No.10319 of 2021 directing the respondents to reserve one post in the cadre of Sub Inspector of Police called for by the third respondent pending disposal of the writ petition. Hence, this Court hopes that the petitioner can be recruited without disturbing the selection already made. The impugned order in Na.Ka.No.R4/8668/2021 passed by the third respondent/The Member Secretary, dated 19.03.2021 is hereby quashed. The third respondent is directed consider the candidature of the petitioner for the post of Sub-Inspector of Police called for by the 3rd respondent in Notification No.2 of 2019, dated 08.03.2019 under the sports quota on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

15. Accordingly, the Writ Petition is allowed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CO)

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Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Home (Police-II) Department,
Fort St. George, Chennai - 600 009.
- 2.The Director General of Police,
O/o. The Director General of Police,
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3.The Member Secretary,
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The Tamil Nadu Uniform Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 600 008.

+3 CC to Mr.S. Ganesh Kumar, Advocate sr 35694.

+1 CC to The Government Pleader sr 36250.

W.P.No. 10319 of 2021
and W.M.P.Nos.10897 & 10899 of 2021

SJ(CO)
SP(03/09/2021)