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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.12.2021

Coram:

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.26869 of 2021

and

W.M.P.No.28319 of 2021

P.Vijayakumar

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Pantheon Road, Egmore,
Chennai.

2.The Director General of Police,
Mylapore,
Chennai -04

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to award one mark for the NCC "C" certificate and consequently direct the respondents 1 & 2 to select and appoint the petitioner as Grade- II PC/Fireman/Grade-II Jailer, 2020.

For Petitioner .. Mr.S.Sivakumar

For Respondents .. Mr.P. Kumaresan
Additional Advocate General

ORDER

The petitioner has filed the present writ petition praying to direct the first respondent to award one mark for the NCC "C" certificate and consequently direct the respondents 1 & 2 to select and appoint the petitioner as Grade- II PC/Fireman/Grade-II Jailer, 2020.

2. The petitioner claims himself to be a graduate, belongs to Most Backward Class Community. The first respondent herein issued a notification on 17.09.2020 calling for application for recruitment to the post of Grade-II Police Constable, Grade-II Jail Warder and Fireman for the year 2020. The petitioner was qualified to be considered for appointment, applied in response



to the notification. He has also uploaded necessary certificates. Along with the Community and Educational Certificates, the petitioner was also uploaded NCC "B" certificate.

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3. The petitioner was directed to appear for the written examination and was successful by securing 58 marks. He was thereafter, directed to appear for Physical Examination and Certificate Verification. The petitioner, accordingly, appeared on 26.07.2021 and produced all the certificates for verification including NCC "B" and "C" certificates. After certificate verification, he participated in the Physical Examination Test and secured full mark i.e, 15 marks.

4. On 29.11.2021, the first respondent published the provisional list, but unfortunately, the petitioner's roll number did not appear and after verification, the petitioner came to know that he had secured 58 marks in the Written Test and 15 marks in the other tests and one mark in special category and in total, he secured 74 marks. The minimum cut-off marks for MBC/DNC was 74.5 marks and he being declared to have secured only 74 marks was found to be not eligible for the eventual appointment.

5. The grievance of the petitioner herein is that the petitioner is entitled to be awarded two marks for having obtained both NCC "B" and "C" certificates, but was awarded one mark for "B" certificate alone. According to him, the "C" certificate, which was subsequently issued, was also produced at the time of verification, but the respondent board has not taken that into consideration.

6. When the matter is taken up for hearing today, the learned Additional Advocate General Mr.P.Kumaresan graciously and fairly accepted the fact that the petitioner ought to have been given one mark for production of NCC "C" certificate, in which case, the petitioner would have qualified to be considered for appointment by securing the cut-off mark fixed for his category.

7. This Court would appreciate the fair submission made by the learned Additional Advocate General appearing for the respondents for saving the Court's valuable time and helping the deserving candidate to earn his berth in the Police force.

8. In the above circumstances, the Writ Petition is allowed and the first respondent is directed to award one more mark for NCC "C" certificate obtained and produced by the petitioner. On such award of additional one mark, the respondents are directed to include the petitioner in the select list paving way



for his eventual appointment as Grade-II Police Constable, Grade-II Jail Warder and Fireman as the case may be.

9. The respondents are directed to pass appropriate orders in this regard within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsi/tri

To

1. The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Pantheon Road, Egmore,
Chennai.
2. The Director General of Police,
Mylapore,
Chennai -04

+lcc to Mr.S.Sivakumar, Advocate, S.R.No.68801

W.P.No.26869 of 2021

SSV(CO)
CT 20/01/2022