



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
16.07.2021	27.07.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.9231 of 2021
and
W.M.P. (MD) Nos.6960 & 6961 of 2021

1.R.Baskaran

2.V.Ashanth

... Petitioners

-VS-

1.The State of Tamil Nadu
rep.by its Principal Secretary
Home Department
Secretariat, Chennai-600 009

2.The Chairman
Tamil Nadu Uniformed Service Recruitment Board
Old Commissioner of Police Office Campus
Egmore, Chennai-600 008

3.The Member Secretary
Tamil Nadu Uniformed Service 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
Chennai-600 004

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the second respondent pertaining to the results regarding open quota sports under PSTM Category and to quash the same and consequently direct the respondents to include the names of the petitioners for the post of Sub Inspector of Police AR and TSP under PSTM category and permit the petitioners to



participate in the further selection process that is for medical and police verification.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.Veera Kathiravan
Senior Counsel for State Government
for Mr.A.K.Manickam, Government Counsel

O R D E R

T.S.SIVAGNANAM, J.

The petitioners have sought for issuance of a writ of certiorarified mandamus to quash the results published by the Tamil Nadu Uniformed Services Recruitment Board ("the Recruitment Board" for brevity) for the selection to the post of Sub Inspector of Police with regard to the Person Studied under Tamil Medium (PSTM) Category and to direct the Recruitment Board to include their names under the PSTM Category and to permit them to participate in the further selection process.

2. There are two petitioners in this writ petition. The first petitioner R.Baskaran completed his 10th Standard from the Government Higher Secondary School, Rajakkamangalam during March, 2010, completed his 12th Standard during June, 2012 and obtained B.A.Degree in Sociology during May, 2018. The first petitioner has undergone his education in Tamil medium and he also possesses certificates for sports quota and he is a Kabadi player.

3. The second petitioner V.Ashanth completed his 10th standard during 2011 and his 12th standard during 2013 and holds a Bachelor Degree in History having completed the same during November, 2016. The second petitioner has studied in Tamil medium from the first standard and he belongs to Backward Class community and possesses certificate for participation in Kabadi competition at South Zone Inter University Level.

4. Both the petitioners had applied for selection to the post of Sub Inspector of Police pursuant to the Notification issued by the Recruitment Board, dated 08.03.2019. The first petitioner secured 38 marks and the second petitioner secured 39.5 marks. Both the petitioners got qualified for the physical endurance test and they have secured 15 marks in the said test and were eligible to attend viva voce. The selection process was completed and the provisional select list was published and the petitioners would state that on perusal of the provisional select list, they came to know that no one was selected in the sports quota under PSTM Category under BC Category and even under the open quota general under PSTM Category for Backward Class no one was considered. The total marks secured by the first petitioner is 52 and the second



petitioner is 54.5 marks and they were shocked to see the provisional list and therefore, filed the writ petition.

5. The writ petitioners' case wholly rests upon the decision of the Honourable Division Bench in W.P.(MD) Nos.19112, 19121, 19123 and 18668 of 2020, dated 10.02.2021. The question would be whether the benefit of the said decision can be extended to the petitioners. In Paragraph No.14 of the said order, though the Honourable Division Bench found that there is a fundamental error committed by the Recruitment Board in following the law, the Court was conscious of the fact that it was not dealing with the public interest litigation and that much water has flown under the bridge and the selection process was at the final stage of viva voce, which was going on and therefore, held that the relief granted to those four writ petitioners cannot be extended to all. In the light of the said finding, the benefit of the order passed by the Honourable Division Bench cannot be extended to the petitioners. Furthermore, the select list has been published on 15.04.2021 and the writ petition was filed only on 23.04.2021. Therefore, the relief sought in the writ petitions cannot be granted, more particularly when the selection process has already been completed.

6. For all the above reasons, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

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 Principal Secretary,
Home Department,
State of Tamil Nadu,
Secretariat, Chennai-600 009.



2.The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-600 008.

3.The Member Secretary,
Tamil Nadu Uniformed Service 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,
Chennai-600 004.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-23959[F] dated
27/07/2021)

+1 CC to M/s.SPL GP (SR-24361[F] dated 29/07/2021)

ORDER IN
W.P. (MD) No.9231 of 2021 and
W.M.P. (MD) Nos.6960 & 6961 of 2021
27.07.2021

es (CO)
TR(04.08.2021) 4P 7C