



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9632 of 2021 &

WMP(MD)Nos.7374, 7375 & 7376 of 2021

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... Petitioner

vs.

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

2.The Chairman/Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road,
Egmore, Chennai - 600 008.

3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 8.

4.The Director General of Police,
O/o. The Director General of Police,
Tamil Nadu, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned provisional selection list of open candidates issued by the third respondent in his proceedings No.nil dated nil and quash the same as illegal and consequentially direct the second respondent to select the petitioner for the post of Sub Inspector of Police (Taluk, Armed Reserve (Men & Women/Transgender) & Tamil Nadu Special Police (Men))-2019 by providing a chance to the petitioner to test his 100 meters running skill within the period that may be stipulated by this Court.

For Petitioner

: Mr.A.Nawaz Khan

For Respondents

: Mr.Veera Kathiravan
Senior Standing Counsel



ORDER

Mr.Veera Kathiravan, learned Senior Standing Counsel, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned provisional selection list of open candidates issued by the third respondent in his proceedings No.nil dated nil and quash the same as illegal and consequentially direct the second respondent to select the petitioner for the post of Sub Inspector of Police (Taluk, Armed Reserve (Men & Women/Transgender) & Tamil Nadu Special Police (Men))-2019 by providing a chance to the petitioner to test his 100 meters running skill.

4. The case of the petitioner is that he is working as a Grade II PC at Special Action Group, Greater Chennai Police, Pudupettai, Chennai from the year 2016. While so, the first respondent issued a notification for recruitment to the post of Sub Inspector of Police (Taluk, Armed Reserve(Men & Women/Transgender) & Tamil Nadu Special Police (Men))-2019. The Selection Process consists of Written Examination, Physical Efficiency Test and Viva Voice. The petitioner participated in the written examination and secured 53.00 marks. Thus, he was eligible for Physical Efficiency Test (PET). In PET, the petitioner completed the 100 meters running in 13.00 seconds and the Authority inadvertently noted the timing as 13.60 seconds. The petitioner made his objection, however, further opportunity was not given to him by the Authority and the time was confirmed as 13.60 seconds. In this regard, the petitioner had also submitted a representation dated 17.10.2020 to the respondents. In the meantime, the third respondent had issued the impugned provisional selection list vide proceedings nil dated nil (uploaded in the official website of the Tamil Nadu Uniformed Services Recruitment Board) and the second respondent mechanically rejected the claim of the petitioner. Hence, this writ petition.

5. The learned counsel for the petitioner would state that though this petition is filed to quash the impugned provisional selection list issued by the third respondent, it would be suffice if a direction is given to dispose of the representation of the petitioner dated 17.10.2020.

6. The learned senior standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.



7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 17.10.2020, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order

8. With the above direction, the writ petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// 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,
Secretariat,
Chennai - 600 009.
- 2.The Chairman/Sub Committee,
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- 3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 8.



4.The Director General of Police,
O/o. The Director General of Police,
Tamil Nadu, Madurai District.

+1 CC to Mr.A.NAWAZ KHAN, Advocate (SR-18875[F] dated
07/06/2021)

W.P (MD) No.9632 of 2021
04.06.2021

KM(15.06.2021) 4P 6C