



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.15723 of 2021

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... Petitioner

Vs.

1.Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Chairman,
Egmore,
Chennai - 8.

2.The Inspector General of Police/Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner Office Campus,
Egmore,
Chennai -8.

3.The Director General of Police,
Beach Road,
Chennai -4.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to select and appoint the petitioner in the post of Sub-Inspector of Police (Taluk, Armed Reserve (Men & Women/Transgender) & Tamil Nadu Special Police (Men) 2019 under BC (General) Category by operating the reserve list in accordance with Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service Act) 2016 within the time period as stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.Veera Kathiravan, Addl.Ad.General
assisted by Mr.A.K.Manikkam, learned
Standing Counsel.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to select and appoint the petitioner in the post of Sub-Inspector of Police (Taluk, Armed Reserve (Men & Women/Transgender) & Tamil Nadu Special Police (Men) 2019 under BC (General) Category by operating the reserve list in accordance with Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service Act) 2016 within the time period as stipulated by this Court.



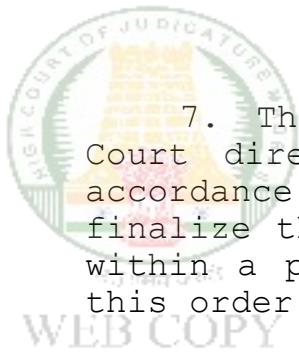
2. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he participated in the recruitment to the post of Sub Inspector of Police and secured 53 Marks in the Written Test and 12 Marks in the Physical Efficiency Test and 0.50 Special Marks and 08.75 Marks in the Viva-Voice and overall, he secured 74.25 Marks. Originally, the cut off marks in the final provision selection list for B.C. General category is 75.50 for Taluk and 74.50 marks for AR and TSP. According to the petitioner the last candidate who secured 74.50 marks in the B.C. General Category has been selected and appointed. Out of all notified vacancies, approximately, 38 Vacancies were not filled up by way of operating the reserve list. Since the petitioner secured 74.25 overall marks, he was placed in Sl.No.1 in the reserve list of Backward Class General Category. Therefore, if reserve list is operated for the purpose of filling up the unfilled vacancies, the petitioner will get selected and appointed in the post of Sub Inspector of Police.

4.This Court in W.P.No.1440 of 2018 dated 01.08.2019 has issued a direction to the TNPSC to operate the reserve list and appoint the petitioner therein, when reserve list was not maintained. Hence, the petitioner made a detail representation dated 12.08.2021 to the respondent requesting to select and appoint him in the post of Sub Inspector of Police in B.C (General Category) by operating the reserve list in accordance with Section 27 (a) of the Tamil Nadu Governments Servants (Conditions of Services) Act, 2016. Since no action is forth coming the petitioner has come forward with the present Writ Petition.

5.The learned Standing counsel appearing for the respondents would submit that the representation of the petitioner would be considered when the respondents would operate the reserve list and the claim of the petitioner would be examined in accordance with merit and the procedure to be followed in respect of reserve list.

6.Admittedly, the petitioner has secured overall 74.25 marks but his misfortune does not favour him since just 0.25 marks were less to get qualified in BC (General) Category while the candidate who secured 74.50 marks was selected and appointed. The petitioner was placed at Sl.No.1 in the Reserve List and he has been in anticipation that the respondents would operate reserve list and he would be selected. In fact, in W.P.No.14440 of 2018 filed by similar person, this Court by order dated 01.08.2019 directed the respondents to operate the reserve list and finalize the appointments. But till now, it seems it has not been done.



7. Therefore, considering the facts and circumstances, this Court directs the respondents to consider the representation in accordance with law made by the petitioner dated 12.08.2021 and finalize the Reserve List as expeditiously as possible, preferably, within a period of 8 weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// 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 Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai - 8.
2. The Inspector General of Police/Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner Office Campus,
Egmore, Chennai -8.
3. The Director General of Police,
Beach Road, Chennai -4.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-28730[F] dated 09/09/2021)

W.P (MD)No15723 of 2021
08.09.2021

RD(28.09.2021) 3P 5C