



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:24.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)No.5245 of 2016**

**and**

**W.M.P. (MD) .No.4697 of 2016**

K.Manivannan

... Petitioner

Vs.

1.The Staff Selection Commission,  
represented by its Chairman,  
Southern Region,  
2<sup>nd</sup> Floor, EVK Sampath Building,  
College Road,  
Chennai -6.

2.The Border Security Force,  
represented by Director General of Border Security Force Head,  
Quarters, Block 10,  
CGO Complex,  
Lodhi Road,  
New Delhi 111 0003.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to give appointment to the petitioner as Constable in the Border Security Force with effect from 2013, on par with other candidates appointed pursuant to the selection for recruitment of Constables (GD) in CAPFS & Rifleman (GD) in Assam Rifles - 2012 within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani  
For Respondents : Mr.P.Paul Pandi  
Senior Panel Counsel

**O R D E R**

This writ petition has been filed for a direction to the second respondent to give appointment to the petitioner as Constable in the Border Security Force with effect from 2013, on par with other candidates appointed, pursuant to the selection for recruitment of Constables (GD) in CAPFS & Rifleman (GD) in Assam Rifles - 2012 within the time stipulated by this Court.

2. The case of the petitioner is that he belongs to Hindu Scheduled Caste Community and he participated in the recruitment



process for the post of Constables in various security forces. The petitioner has secured 50 marks. For Scheduled Caste Candidates, cut off marks fixed was 35. However, he was not given appointment. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

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3. The learned counsel appearing for the petitioner would submit that the petitioner participated in the selection process for the post of Constables, under the category of Scheduled Caste Community and secured 50 marks. However, he was not selected to the post of Constables. Hence, he prayed for a direction to the second respondent to give appointment to the petitioner as Constable in the Border Security Force with effect from 2013, on par with other candidates.

4. The learned Senior Panel counsel appearing for the respondents has filed a counter and would submit that the petitioner was allowed to appear for each and every stage provisionally and as per the final result declared by the Commission, on 17.10.2012, he was considered for SC vacancies. However, the marks secured by him is less than the lowest cut off marks fixed by the Commission. Therefore, he was not selected to the post of Constable (GD) in BSF. Hence, he prayed for dismissal of the writ petition.

5. The facts in the present case are not in dispute. The petitioner belongs to Scheduled Caste Community and he participated in the recruitment process for the post of Constables and secured 50 marks in total in the examination. The lowest cut off marks fixed for 'SC' Category is 68. This Court is of the view that the petitioner has secured less than the lowest cut off marks fixed by the Commission. Therefore, the prayer sought for by the petitioner cannot be considered. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

akv  
To

1.The Staff Selection Commission,  
represented by its Chairman,  
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represented by Director General of Border Security Force Head,  
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+1 CC to M/s.P.PAUL PANDI, Advocate ( SR-13165[F] dated 24/03/2021 )

**W.P. (MD)No.5245 of 2016**  
**24.03.2021**

TP (CO)  
TR(23.06.2021) 3P 4C