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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4537 of 2020
and W.M.P.No.24423 of 2020

K.Bharathi

... Petitioner

Vs.

1.State of Tamil Nadu rep by its
Secretary to Government,
Home (Police V) Department,
Fort St.George, Chennai - 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Old Commissioner Office,
Egmore, Chennai - 600 008.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, direct the respondents to consider the petitioner under the sports quota (rifle shooting) by granting necessary relaxations considering the petitioner achievements in the field of rifle shooting as per G.O.Ms.No.270 dated 01.04.2009 and appoint the petitioner as Sub Inspector of Police.

For Petitioner: Mr.M.Gnanasekar

For R1 & R2 : Mrs.S.Anitha,
Special Government Pleader

For R3 : Mr.P.Kumaresan,
Additional Advocate General



O R D E R

The relief sought for in the writ petition is for Mandamus to consider the petitioner under the sports quota (rifle shooting) by granting necessary relaxations, considering the petitioner achievements in the field of rifle shooting as per G.O.Ms.No.270 dated 01.04.2009 and appoint the petitioner as Sub Inspector of Police.

2.The petitioner is before this Court in this second round of litigation. She has already filed W.P.No.6678 of 2016 seeking writ of mandamus to direct the respondents to include the game of rifle shooting as sports event for the purpose of appointment under the sports quota and direct the respondents to consider her achievements against the sports quota without insisting on Form II and consider her against 10% sports quota or in the alternative direct the respondents to grant accelerated promotions as Sub Inspector of Police duly considering the petitioner's achievements in the field of rifle shooting in the police department with all consequential benefits. The above writ petition was disposed of by this Court on 29.04.2016 by directing the respondents to consider the request of the petitioner within a period of two months. Pursuant to which, the petitioner has given her representation to the respondents but the same has not been considered by them. Hence, the petitioner has filed Contempt Petition in Cont.P.No.2028 of 2016. When the contempt petition was taken up for hearing on 14.11.2016, the respondent agreed to consider the petitioner against the sports quota. However, reported that the entire selection process was completed on 15.11.2015 and it was not possible for the Government to consider her request under the sports quota. Subsequently, the Government has issued G.O.Ms.No.756 Home (Police.3) department dated 10.11.2016 by including the rifle shooting in the approved list of games and sports at Sl.No.15 in the list of games and sports approved in the G.O.(Ms).No.626 Home (Police.3) Department dated 23.07.2003. Thereafter, the petitioner once again submitted the representation on 02.03.2018 followed by a remainder on 31.08.2018, pursuant to which, the petitioner case was considered by the commissioner of police and her case was recommended and forwarded to the Director General of Police to promote her to the post of Sub Inspector of Police as per G.O.Ms.No.270, dated 01.01.2009, but the petitioner was not promoted to the post of Sub Inspector of Police till date. Thereafter, the petitioner has filed Sub Application No.506 of 2019 on 05.09.2019, wherein, during the hearing, the Commissioner of Police had produced a letter dated 07.12.2018, informing the petitioner to apply under sports quota in the next notification if she is eligible at that time and also to avail



the benefits of one quota that is either departmental quota or sports quota in open category as per rules/Government orders and that there is no provision for getting benefits of sports quota within the 20% departmental quota.

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3.The petitioner has also given the details of her meritorious participation in the rifle shooting games and the medals won by her in order to consider for promotion. The petitioner claims that she should have been considered as per G.O.Ms.No.270, dated 01.01.2009 taking into account of the gold medals in the field of rival shooting. On 31.08.2018, the petitioner had given a representation to the CM's Cell which was considered and Director General of Police passed an order on 10.11.2018, advising the petitioner to apply under sports quota based on G.O.Ms.No.756, dated 10.11.2016 in the SI of Police recruitment in the next notification if she is eligible at that time.

4.Pursuant to the recruitment notification, the petitioner submitted her application on 13.04.2019 under the department quota since the application should be submitted online, she could not apply under sports quota and she had not been issued form II by the sports authority. Hence, the petitioner now seeks the indulgence of this Court to consider her representation dated 12.02.2020 to the Chairman, Tamil Nadu Uniformed Service Recruitment Board to consider her under Sports quota without insisting of Form - 2 as per G.O.Ms.NO.270 Home (Police.3) Department dated 01.01.2009.

5.The learned counsel for the petitioner reiterate the above said facts and seeks indulgence of this Court to issue the writ of mandamus as prayed for.

6.Mr.P.Kumaresan, learned Additional Advocate General appearing for the third respondent has filed counter affidavit, wherein, it has been stated that the petitioner was the candidate to the recruitment to the Sub Inspector of Police, 2019 under the Departmental quota. Since, she has not secured cut off marks, she was not called for the second stage of selection process. It is also stated that, the petitioner was a candidate for the recruitment of Sub Inspector of Police for the year 2015, both under open and departmental quota. Since, she has not secured cut off marks, she was not called for further selection process. Aggrieved over the same, she had filed a writ petition in W.P.No.6678 of 2016 and this Court by its order dated 29.04.2016 had directed the respondent to consider the request of the petitioner to include the rifle shooting game in the list of approved sports and games for the purpose of appointment under sports quota and to take decision within a period of two months. Pursuant to the order of this Court, the



Government issued G.O.Ms.No.756, Home (Police-3) Department, dated 10.11.2016 and included the rifle shooting as 15th approved game/sports for the consideration of Sports quota. Further, as per the G.O.Ms.NO.270, Home (Police.3) Department, dated 01.04.2009, the candidates have to produce Form-I/II/III in the event of any of the approved sports and games, held within five years preceding the date of notification to claim sports quota.

7.The petitioner neither claimed sports quota in her application in 2019 nor had fulfilled the requirement as prescribed for considering her candidature under sports quota. Hence, as per the norms, the petitioner was rightly not called for to participate in the second stage. Aggrieved over her non consideration in the recruitment of 2015 for the post of Sub Inspector of Police, she filed a Contempt Petition in Cont.P.No.2028 of 2016 and the same was closed on 14.11.2016. On the basis of the endorsement dated 07.12.2018, addressed to the petitioner by the office of DGP, informing her to apply under Sports quota based on G.O.Ms.No.756, dated 10.11.2016, in the next notification, if eligible at that time and also that she can avail the benefit of either departmental quota or sports quota in open category as per the rules and Government Order. It was clearly informed to her by the said letter that there was no provision for getting benefits of Sports quota.

8.The third respondent had categorically stated that the petitioner had applied under 20% departmental quota in the recruitment of Sub Inspector for the year 2019 and due to age bar, the petitioner could not claim open quota in the said recruitment. The petitioner, who was not in the possession of Form I/II/III certificate cannot claim sports quota as the same is available only for the open quota candidates. Accordingly, it was not feasible for the board to consider the petitioner under sports quota as per her representation dated 12.02.2012 since consideration of her candidature under sports quota is not in conformity to the norms stipulated for the same.

9.The third respondent has further stated that TNUSRB is only recruiting agency and cannot consider any individuals request beyond existing rules and Government Orders. The respondent also countenanced the stand of the petitioner that she won gold medals and has meritoriously participated in the rifle shooting events from the year 2005-2009. However, the third respondent has categorically stated that the same can not be considered for sports quota as per the G.O.Ms.No.270, dated 01.04.2009, but can be considered only for 05 special marks under departmental quota.



10.I have considered the rival submissions made on both sides and have perused the materials placed on record.

11.As rightly pointed out by the learned counsel appearing for the respondent, the petitioner was working in the police department and had participated in the Police Duty Meet and have received gold medals and other meritorious awards in the event of rifle shooting from the year 2005 to 2009, however, as stated by the third respondent in the counter affidavit, the same cannot be considered for sports quota as per G.O.Ms.No.270, dated 01.04.2009.

12.The Police duty meet was exclusively held only for police personnel and for no other common/sports person from the general public sports personnel. As such, participation and winning of awards in the police duty meet meant exclusively for police personnel alone cannot be considered under the sports quota. Moreover, the participation of the petitioner in the police duty meets is only due to her employment in the police department and not otherwise. The petitioner has not submitted form-2 certificate as per the G.O.Ms.No.217, dated 01.04.2009 to consider her candidature under sports quota and that relaxation cannot be granted to her due to the existing Government Orders. Further, the petitioner has not reached the cut off marks as prescribed in the notification. In view of the reasons stated above, this Court is not inclined to entertain this writ petition.

13.Accordingly this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

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Sub Assistant Registrar

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To

1.Secretary to Government,
State of Tamil Nadu
Home (Police V) Department,
Fort St.George,
Chennai - 600 009.



2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Old Commissioner Office,
Egmore, Chennai - 600 008

+1cc to Mr.M.Gnanasekar, Advocate SR.No.21396

+1cc to Government Pleader SR.No.21340

W.P.No.4537 of 2020

RR(CO)
GMY(05/05/2022)