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W.P.No.26652 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26652 of 2017
and
W.M.P.No.28377 of 2017

S.Sankar

...Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary (Home III Police Dept.,)
The Secretariat,
Chennai – 9.

2.Director General of Police,
Tamilnadu Uniformed Services Recruitment
Board (TNSURB)
Pantheon Road, Chennai – 8.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner in the Post of Fireman for the year 2017 by way of awarding 2 ½ marks to the petitioner for having produced NCC 'C' level and NSS certificates besides giving 20% preference to the petitioner for having studied his X std., in Tamil medium as per clause VII of the Notification No 117 published for recruitment of Grade II Constables/Jail Warder/Fireman of the year 2017 with all attendant benefits within time frame.



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For Petitioner : Mr.K.Ravi Anantha Padmanaban
For R1 : Mr.S.Rajesh
Government Advocate
For R2 : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mrs.Sowmi Dattan

ORDER

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to appoint the petitioner in the Post of Fireman for the year 2017 by way of awarding 2 ½ marks to the petitioner for having produced NCC 'C' level and NSS certificates besides giving 20% preference to the petitioner for having studied his X std., in Tamil medium as per clause VII of the Notification No.117 published for recruitment of Grade II Constables/Jail Warder/Fireman of the year 2017 with all attendant benefits.

2. The petitioner states that pursuant to the common recruitment notification for the year 2017, calling application for selection to the post of Grade-II Constable, Grade II Jail Warders and Firemen. The petitioner participated in the process of selection. He was successful in the written examination and participated in the Physical Eligibility test and Endurance



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Test. The petitioner admittedly scored 61 marks initially. The cut-off mark was 64. Thus, the petitioner was not selected.

3. The learned counsel for the petitioner mainly contended that the petitioner possessed NCC 'C' level certificate, which was not considered. Further, NSS certificate regarding his participation in the Republic Day Ceremonial Parade held at Thoothukudi was also not considered by the competent authorities. If marks are awarded as per the recruitment notification for these certificates, the petitioner would have selected and therefore, the respondents have committed an error in not selecting the petitioner to the post of Grade-II Constable, Grade II Jail Warders and Firemen.

4. The learned Additional Advocate General appearing on behalf of the 2nd respondent made a submission that the petitioner had not produced the original certificate at the time of Certificate Verification. In respect of the candidates, who have not submitted original certificate at the time of Certificate Verification were not awarded marks by the competent Selection Committee. Thus, now the petitioner cannot turn around and claim marks in



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respect of the certificates, for which, he had not submitted originals before the Selection Committee.

5. The learned counsel for the petitioner rebutted the said contentions by stating that the petitioner had submitted the original certificates before the Selection Committee. When the petitioner had submitted the original certificates, the Selection Committee ought to have granted marks for NCC 'C' level and NSS Certificates.

6. Despite all the factual disputes in this regard, the learned Additional Advocate General appearing on behalf of the 2nd respondent made a submission that the petitioner is eligible to get two marks for NCC 'C' certificate as per the recruitment notification and half marks ($\frac{1}{2}$ marks) for NSS certificate. Even adding the said two and half marks ($2\frac{1}{2}$ marks), he cannot come within the zone of consideration as the cut-off mark was 64 for the category. It is not in dispute that the petitioner possessed NCC 'C' certificate and therefore, two marks are to be added. Regarding the NSS certificate, the recruitment notification stipulates that 1 mark is to be granted in respect of the Inter-State National Level common programmes



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certificates produced by the petitioner. He participated in the District Level

Republic Day Ceremonial Parade held at Thoothukudi on 26.01.2013.

Therefore, he is not entitled for one mark as per the recruitment notification.

The recruitment notification further contemplates that in respect of NCC 'C' certificates, even if a candidate possess all the three certificates stipulated in the notification, he would be eligible for the maximum mark of two and not more than that. Thus, the petitioner is entitled for two marks for the NCC 'C' certificate.

7. Regarding the NSS certificates, half mark ($\frac{1}{2}$ mark) was granted, since he possessed the certificate from the Chief Educational officer, which was considered by the authorities concerned. Thus, altogether, the petitioner is eligible to get two and half marks ($2 \frac{1}{2}$ marks) in addition to 61 marks he scored. Thus, the petitioner has scored 63.5 marks. However, the cut-off mark was 64. Therefore, the petitioner has not reached the zone of consideration for the purpose of selection and appointment to the post of Grade-II Constable, Grade II Jail Warders and Firemen.



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8. Thus, the petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

Index : Yes
Speaking order: Yes
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To

1. The Secretary (Home III Police Dept.,)
State of Tamil Nadu,
The Secretariat,
Chennai – 9.
2. Director General of Police,
Tamilnadu Uniformed Services Recruitment
Board (TNSURB)
Pantheon Road, Chennai – 8.



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S.M.SUBRAMANIAM, J.

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