



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.9926 of 2021
W.M.P(MD).7616 & 7618 of 2021

A.Sivadivya

... Petitioner

Vs.

The Member Secretary,
The Tamil Nadu Uniform Services Recruitment Board,
Chennai-8.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to include the name of the petitioner with Register No.6610765 with eligible cut off mark for the next stage of selection process (i.e.) medical examination and certificate verification as per the marks secured by the petitioner to the post of Sub Inspector of Police (Taluk, Armed Reserved and Tamil Nadu Special Police) 2019 as per the notification of the respondent in No.2/2019 dated 08.03.2019.

For Petitioner : Mr.G.Kannan
for Mr.S.Ramsundarvijayraj

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam,
Special Government Pleader

O R D E R

The Writ on hand has been instituted to direct the respondents to include the name of the petitioner with Register No.6610765 with eligible cut off mark for the next stage of selection process (i.e.) medical examination and certificate verification as per the marks secured by the petitioner to the post of Sub Inspector of Police (Taluk, Armed Reserved and Tamil Nadu Special Police) 2019 as per the notification of the respondent in No.2/2019 dated 08.03.2019.



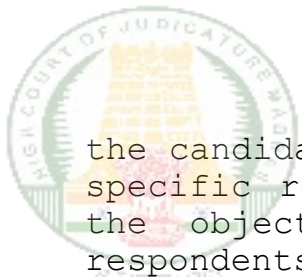
2. The petitioner states that pursuant to the recruitment notification No.2 of 2019 for selection to the post of Sub-Inspector of Police, the petitioner participated in the process of selection and was successful. The petitioner though is in-service candidate, has chosen to apply under open category as she was not eligible to participate as in-service candidate, since she has not completed five years of service, as per the conditions stipulated in the notification.

3. The learned counsel appearing for the petitioner made a submission that the petitioner was successful in the written examination and physical eligibility test and endurance test. The similarly placed selected candidates, who scored the equivalent marks, were selected and appointed as Sub-Inspector of Police. This apart, the respondents have committed irregularity in selecting the candidates under SC Category more specifically Arunthathiyar Community and in view of such irregularity, the petitioner was deprived of her opportunity for selection to the post of Sub-Inspector of Police.

4. The learned Additional Government Pleader made a submission that no doubt, the petitioner scored 61 marks (i.e.,) 48 marks in written examination, 6 marks in Physical Efficiency test and 6 marks in viva voce. The petitioner belongs to BC community and participated under open quota. However, the similarly placed candidates, who scored total marks, were selected considering their Date of birth as the petitioner is the junior to those candidates, who were selected based on their date of birth. In other words, if more than one candidate scored the same mark in a particular category, then the selection will be made based on their respective date of birth and the senior candidate will be selected. Adopting such Rules and the Procedures, the other persons, who scored the equivalent marks, were appointed and therefore, the writ petition is to be rejected.

5. This Court is of the considered opinion that as per the Rules in-force, if more than one candidate scored the same mark, the Date of Birth will be the criteria for selection. The senior candidate in the date of birth will be selected. This being the procedure, the case of the petitioner was not considered due to the fact that her date of birth is 10.09.1997 and the last candidate, who was selected, was born on 31.07.1997. Therefore, the selection was conducted in accordance with the procedures.

6. As far as the other claim set out by the petitioners regarding the adherence of reservation for SC Arunthathiyar Community, this Court is of the considered opinion that the petitioner has not set out the relief to that effect by impleading



the candidates who were illegally selected or appointed. There is no specific relief in this regard nor the selected candidates as per the objections of the writ petitioner were not impleaded as respondents. In such circumstances, this Court would not be in a position to go into the new ground relating to the reservation for SC Arunthathiyar Community and the manner in which it is affected the selection of the petitioner is also to be considered as the petitioner belongs to BC Category.

7. The learned counsel appearing for the petitioner made a submission that under the Right to Information Act, the petitioner got certain informations.

8. If at all there is any discrepancy or illegality, it is for the petitioner to adjudicate the matter in the manner known to law. Hence, the petitioner is at liberty to approach the State Commission for securing information regarding such doubts for the purpose of further action.

9. With this liberty, this Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

The Member Secretary,
The Tamil Nadu Uniform Services Recruitment Board,
Chennai-8.

W.P.(MD) No.9926 of 2021

11.04.2022

MGJ(11.05.2022) 3P 2C