



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.22183 of 2021
and
W.M.P(MD)No.18750 of 2021

Nivas

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, 2nd Floor, Anna Salai,
Chennai - 600 002.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai.

3.The Sub - Committee Chairman / Member,
Recruitment Sub Committee,
Dindigul Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Dindigul.

4.The Superintendent of Police,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents 1 and 2 to accept the sports certificate of the petitioner and to award 1/2 mark as special mark for the Kabadi -Divisional Tournament Certificate to the petitioner and allow him for medical test, which is the next level selection process, by considering the petitioner's representation dated 06.12.2021.

For Petitioner : Mr.M.S.Jeyakarthik
for M/s.S.Vidya Sagar

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
assisted by Mr.S.Saji Bino,
Special Government Pleader



ORDER

This writ petition has been filed for a writ of mandamus directing the respondents to award 1/2 mark to the sports certificates produced by the petitioner by considering the petitioner's representation dated 06.12.2021.

2.The petitioner has taken part in the Common Recruitment for the Posts of Gr.II Police Constable, Gr.II Jail Warder and Fireman, 2020 by applying under the sports quota. He has not been selected, as he has secured below the cut off marks.

3.The learned Counsel for the petitioner submits that the petitioner has applied under the sports quota, but, he failed to upload the sports certificate, while submitting his application online. However, at the time of certificate verification, he has produced the sports certificate, for having taken part in the intercollegiate tournament competition. Unfortunately, the respondents have not considered the said certificate. The petitioner has scored 59 marks in the written test and 15 marks in the physical endurance test, totally he has secured 74 marks. The cut off mark in the general category is 74.5 marks. Had the respondents considered the petitioner's sports certificate and awarded 1/2 mark as per clause 19 of the notification, the petitioner would have got selected. The learned Counsel also relied on a case in W.P(MD) No.17587 of 2017, dated 01.10.2019.

4.The learned Additional Advocate General appearing for the respondents submits that the petitioner has applied under the sports quota, but he has not uploaded the sports certificate at the time of making his application and he has scored 74 marks and the cut off mark under the general category is 74.5 marks. Therefore, the petitioner was not selected. Further in respect of the order in W.P(MD)No.17587 of 2017, dated 01.10.2019, the learned Additional Advocate General seeks time to get instructions.

5.This Court has paid its anxious consideration to the rival submissions and perused the materials placed on record.

6.The petitioner has appeared in the selection process for appointment to the post of Gr.II Police Constable, Gr.II Jail Warder and Fireman, 2020 and he has applied under sports quota. According to the learned Additional Advocate General though the petitioner has applied under the sports quota, he has not uploaded the sports certificates at the time of submitting his application. Therefore, the petitioner could not be considered under the sports quota and he was considered under the general category, for which 74.5 is the cut off mark, but the petitioner has obtained 74 marks only.



7.The petitioner claims that in similar circumstances, this Court has directed the respondents to consider the case of a candidate by permitting him to produce the original certificate once again and to consider the same and proceed further. In this case also, the petitioner claims that he is possessing the certificate for having taken part in the District Level Intercollegiate Tournament, for which, 1/2 special marks is provided as per the notification. Though the respondents objects that the petitioner has not uploaded the certificate online, the petitioner claims that though he has produced the said sports certificate at the time of certificate verification, the same was not considered.

8.In view of the above, this writ petition is disposed of on the following terms:

(i) The petitioner shall appear before the respondents and produce the sports certificate, for which he is claiming special marks, within a period of fifteen days from the date of receipt of a copy of this order.

(ii)On such production of the certificate by the petitioner, the respondents shall consider the same sympathetically and take a decision for providing 1/2 special mark and proceed further, if the petitioner is otherwise, eligible. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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

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Dindigul Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Dindigul.

4.The Superintendent of Police,
Theni District,
Theni.

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-1238[F] dated 11/01/2022)

W.P(MD)No.22183 of 2021
11.01.2022

SK(CO)
TR(22.02.2022) 4P 6C