



W.A.No.1818 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No. 1818 of 2011 and
M.P.No.1 of 2011

1.The Director General of Police,
Chennai – 600 004.

2.The Chairman cum Director General of Police,
Tamil Nadu Uniformed Services
Recruitment Board, Anna Salai,
Chennai – 600 002.

... Appellants

Vs.

P.Selvaraj

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 28.09.2010 made in W.P.No.566 of 2009.

For Appellants : Mr.P.Kumaresan
Additional Advocate General

Asst. by Mr.J.Lenin
Senior Counsel

For Respondent : No appearance



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by K.KUMARESH BABU, J.)

This intra-Court appeal has been filed by the Government challenging the order of the learned Single Judge dated 28.09.2010 in W.P.No.566 of 2009 wherein the learned Judge had directed to award 0.5 marks to the respondent herein and further directed to issue orders of appointment to the respondent herein.

2. Notice had been ordered to the respondent and the same has not been served upon him. Therefore, this Court has permitted the substituted service by Paper Publication which has been effected by the appellants and proof of the same has also been filed. Even today no representation on behalf of the respondent either in person or through counsel.

3. The brief facts of the case is that the appellants herein had issued a notification dated 12.03.2008 for recruitment of Grade-II Police Constable for the year 2007. The respondent, pursuant to the said advertisement, had participated in the recruitment process. He belonged to the Scheduled Caste Category and he had secured 51 marks. He had



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been placed in the 89th rank. In the aforesaid category of the list, 53 persons have been appointed and the respondent had been placed at 35th rank in the waiting list. Being aggrieved for not awarding of 0.5 marks for holding a NSS certificate, the respondent had approached this Court by filing the writ petition in W.P.No.566 of 2009. The learned Single Judge, having found that it was an error on the part of the appellants herein in not awarding of 0.5 marks and if the 0.5 marks have been awarded to the respondent, he would have obtained 51.05 marks and certainly he would have superseded the last person, who had been appointed who has got only 51 marks, had directed the appellants to award 0.5 marks to the respondent and also to issue an appointment order. Being aggrieved against the said order, the appellants are before this Court.

4. We have heard Mr.P.Kumaresan, learned Additional Advocate General appearing for the appellants.

5. The learned Additional Advocate General for the appellants would draw the attention of this Court G.O.Ms.No.8, Youth Welfare & Sports Development Department, dated 21.02.2002. The aforesaid G.O.



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provides the method of evaluation of volunteers work for issuance of certificates to NSS Volunteers under the National Service Scheme.

According to him, the respondent herein do not fulfil any of the criteria specified in the aforesaid Government Order as he has not produced any certificate evidencing that he had been a NSS Volunteer for a continuous period of two academic years. He would also submit that, the respondent herein had produced only one certificate evidencing that he had participated in a 10 days Special Camping Programme in a rural area, that would not satisfy the requirement of the aforesaid G.O.Ms.No.8 to qualify him for awarding 0.5 marks.

6. We have considered the said submissions made by the learned Additional Advocate General for the appellants.

7. For better appreciation, the relevant portion of the aforesaid G.O.Ms.No.8 dated 21.02.2002 is extracted heredunder:

“5) The method of evaluation of volunteers work for issue of 'A' and 'B' Certificates to NSS Volunteers are as follows:-

(i) “A” Certificate:

For Degree, Diploma, +2 students in Colleges, Polytechnics and Schools.



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- (1) One should be on the roll of NSS for a continuous period of two academic years and he or she should have completed NSS work of 240 hours in two years under Regular activities.
- (2) He/She should have participated at least in one special camp.

This certificate is issued by the concerned authorities to the student volunteers based on the performance of the students in the regular activities, hours of work etc. Each unit will maintain the attendance register, project register, individual achievement register, blood donors list, literacy educators list, list of trainers and trained youth etc. The NSS volunteers work diary will also play a vital role in assessing the individual performance.

(ii) “B” Certificate:

A student who is having “A” certificate can apply for “B” certificate. He/She should have participated in any one of the Inter-University/Inter – Collegiate / Inter-Polytechnic Programmes/State level Programmes/District/Regional level leadership motivation Programme/Youth adventure/youth exhibition/blood donation/Pre-RD/RD Parade/ NIC Inter State Youth Exchange Programmes / Mass Literacy Programme/Disaster Management activities and any other national level programme. The procedure laid down by the NSS Regional Centre for the issue of “B” certificate will be strictly followed.

The top level “B” certificate holders are alone eligible to



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apply for State / National level awards.”

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8. The learned Single Judge had proceeded on the basis that the notification issued by the Government do not specify any criteria as to who is a NSS Volunteer and therefore had held that the respondent is entitled to be awarded 0.5 marks. The learned Judge had not taken into account that it is not only the respondent who had made a claim based upon a NSS certificate issued for Volunteers under NSS, if the said benefit is to be extended to the respondent, then the same will have to be extended to similarly placed persons and thereafter a list has to be redone, therefore singling out the respondent for awarding the 0.5 marks, in our view, is erroneous.

9. Be that as it may, further as submitted by the learned Additional Advocate General for the appellants, the issuance of NSS certificate had been provided under the Government Order dated 21.02.2002 wherein it had clearly stated that, the NSS Volunteers would be issued two kinds of Certificate, originally 'A' Certificate is issued if he had put in any service for a continuous period of two academic years and he or she should have completed NSS work of 240 hours in two years under Regular activities



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in NSS during his degree/diploma, +2 students in Colleges, Polytechnics and the school period, only then he would be entitled for NSS Certificate and with regard to this certificate, a person who is holding a 'A' certificate and if he had participated any of the programmes indicated therein, then he would be entitled for 'B' certificate. The respondent herein had not produced any such certificate except for one certificate issued to him for participation of 10 days special camp programme, this, in our considered view, would not entitle the respondent for awarding of the marks as specified in the notification.

10. In view of the aforesaid reasons, we find that the order impugned is erroneous and therefore is liable to be set aside, accordingly it is set aside. In fine, the Writ Appeal is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (K.B., J.)
25.07.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
Sgl

R. SURESH KUMAR, J.



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And
K.KUMARESH BABU, J.

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