



W.P.No.6384 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.6384 of 2021

R. Magudeeswaran

... Petitioner

Vs.

The Tamil Nadu Uniform
Services Recruitment Board
Rep.by its Member Secretary,
Old Commissioner of Police
Office Campus,
Pantheon Road, Egmore,
Chennai 600 008.

... Respondent

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus calling for the records pertaining to the impugned list of the respondent in Rc.No.860/R2/YNUSRB/2019 dated 01.12.2020 and quash the same as illegal and unlawful consequently direct the respondent to award 5 special marks to the petitioner further direct the respondent to award 5 special marks to him further direct the respondent to permit him to participate in Viva Voce more particularly within the time as stipulated by this Court.



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For Petitioner : Mr.J.Pooventhera Rajan
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Asst.by M/s.D.Sowmi Dattan
Standing Counsel

ORDER

The petitioner has filed the above writ petition praying for a Writ of Mandamus to for the records pertaining to the impugned list of the respondent in Rc.No.860/R2/YNUSRB/2019 dated 01.12.2020 and quash the same as illegal and unlawful consequently direct the respondent to award 5 special marks to the petitioner further direct the respondent to award 5 special marks to him further direct the respondent to permit him to participate in Viva Voce more particularly within the time as stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner is a recipient of gold medal in Commando Team Operation and that he is entitled to five special marks for selection to the post of Sub-Inspector of Police. The last selected Backward Class Community candidate in the impugned list is 70.05. The petitioner had secured 66.50 marks in the written examination and if the special mark of 5 marks for which he entitled is awarded



to him then he will secure 71.50 and he would be entitled to call for the viva voce. Hence he prays this Court to direct the respondent to permit the petitioner to participate in Viva Voce.

3. Per contra, the learned Additional Advocate General submitted that as per G.O, Notification and Information Brochure, the special marks are awarded to the candidates only at the final stage of selection. The procedure of awarding special marks cannot be deviated at this stage. The petitioner herein participated in the selection process but failed to qualify for viva-voce and his claim to award special marks before the viva-voce is not correct and is against equality. He further submitted that 5 marks will be given only at the time of Viva-voce for the gold medal recipients and the same is mentioned in the clause 15 & 19 of the Information Brochure.

4. At this juncture, it is relevant to extract the following paragraphs from the counter affidavit filed by the respondent:

7. It is submitted that the procedure for awarding special marks at the stage of Viva-voce is followed by this Board based on the G.O.Ms.No.168, Home (Pol.VI) Department, dated 02.03.2017. The relevant portions of the said G.O.for conduct of viva-voce and awarding Special marks are as below:-



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4. Amendments

(1) (7) The number of candidates to be called for viva-voce in department category shall be as follows:-

(ii) Departmental Quota:- From out of the candidates qualified in the Physical Endurance Test, only two times of the number of notified vacancies in each of the categories such as open competition, backward classes, backward classes (muslims), most backward classes, schedule castes including Arunthathiyar, Schedule Tribes and Women shall be permitted to viva-voce, based on the marks obtained in the written test.

(8) (i) 2. Departmental Quota

ii. Special marks - 05 marks

Winning of Medals in the National Police Duty Meet.

(Gold Medal – 5 marks

Silver Medal – 3 marks)

iii. Viva - Voce – 10 marks

4 (8) (ii) The minimum qualifying marks in the written test for the open quota candidates shall be 25 marks out of 70 marks and for the departmental quota candidates it shall be 30 marks out of 85 marks.

iii. The special marks for both open quota candidates and the departmental quota candidates shall be allotted at the stage of viva-voce, after production of the relevant original certificates or records.

8. It is further submitted that, Annexure II to Rule 14 of Special Rules for Tamil Nadu Police Subordinate Service in under category 2 specifies the following:

“(iii) The special marks for both open quota candidates and the departmental quota candidates shall be allotted at the stage of



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viva-voce, after production of the relevant original certificate or records”.

5. Heard both side and perused the materials available on record.

6. In view of the above factual matrix of the case, this Court is of the considered view that the relief sought for by the writ petitioner cannot be granted and the writ petition is liable to dismissed.

7. In the result, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are also closed.

22.08.2023

dpq
Index : Yes/No
Speaking Order : Yes/No

To

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