



W.P.No.10837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10837 of 2023 &

WMP.No.10768 of 2023

E.Pachaiyappan

... Petitioner

Vs

1. Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Chairman [DGP]
Old Commissioner of Police Campus,
Pantheon Road, Egmore, Chennai – 600 008.

2. The Chairperson, Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Campus,
Pantheon Road, Egmore, Chennai – 600 008.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to award 0.5 marks to the petitioner (Enrolment No.2105929) and consider the claim of the petitioner for appointment for the post of Common Recruitment 2022 GR.II-PC AR Jail Warden Firemen TSP in MBC



W.P.No.10837 of 2023

and DNC Category based on petitioners representation dated 31.03.2023.

For Petitioner : Mr.V.M.Venkataramana

For Respondents : Mr.P.Kumaresan,
Additional Advocate General,
Assisted by Mrs.Sowmi Dattan – R1 & R2

ORDER

This Writ Petition has been filed to direct the first respondent to award 0.5 marks to the petitioner (Enrolment No.2105929) and consider the claim of the petitioner for appointment for the post of Common Recruitment 2022 GR.II-PC AR Jail Warden Firemen TSP in MBC and DNC Category based on petitioner's representation dated 31.03.2023.

2. The case of the writ petitioner is that he has certificate issued by the Tamil Nadu Youth Rural Games & Sports Association and he has also certificate issued by the Sports Development Authority of Tamilnadu in Kabaddi for the event in the District Level 2016-2017. The grievance



W.P.No.10837 of 2023

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of the petitioner is that though he was in possession of a Certificate issued by the Sports Development Authority of Tamil Nadu for KABADDI event, he was unable to upload the same at the time of making on-line application since he had not chosen to apply through Sports Quota in PSTM category. The above certificates have not been considered by the respondents. Hence, the present Writ Petition has been filed.

3. The learned Standing Counsel for Tamil Nadu Uniformed Services Recruitment Board (TN-USRB) submits that Tamil Nadu Youth Rural Games and Sports Association is not recognised by Sports Development Authority of Tamil Nadu and therefore, no marks can be assigned.

4. This Court by an Order dated 09.06.2023 passed the following Order :

“4. This Court is of the view that the reasons for not



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W.P.No.10837 of 2023

uploading the certificate issued by Sports Development Authority of Tamil Nadu for District level Competitions for the year 2016-2017 seems to be acceptable. Even assuming that the Tamil Nadu Youth Rural Games and Sports Association is not a recognised body and therefore, no marks can be assigned, the petitioner is in possession of another certification of Sports Development Authority of Tamil Nadu, which is a District Level Competitions for the year 2016-2017.

5. Even when the petitioner was in possession of the Certificate even on the date of Notification, mere failure to upload his certificate, and same are not to be put against the petitioner. The Hon'ble Supreme Court in the case of Dolly Chhanda Vs Chairman, JEE and Others reported in 2005(9) SCC 779 has held that every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature, A learned Single Judge of this Court in the case of



W.P.No.10837 of 2023

K.Ganapathy vs Member Secretary, TNPSC, Chennai passed in W.P.No.9289 of 2020, dated 05.02.2001, had also held that a minor error inadvertently committed by a candidate, should not deprive his valuable right of gaining employment in Public Service. The same view was reiterated in the case of M.Abiramadevi vs The Secretary, TNPSC, Chennai and another passed in W.P.No.4700 of 2020 dated 05.02.2021.

6. In this background the petitioner is granted liberty to produce the certificate issued by the Sports Development Authority of Tanil Nadu for the District Level Competitions held on 2016-2017 in KABADDI before the first respondent herein on 23.6.2023 along with the copy of this order. On receipt of the same, the respondents shall conduct verification of the certificate and report before this Court on 30.06.2023.”

Subsequent to the Order of this Court, it appears that the respondent has



W.P.No.10837 of 2023

WEB COPY

addressed a letter to Sports Development Authority to verify whether the certificate is eligible for special mark. A reply has been sent by the Sports Development Authority on 23.06.2023 stating that the District Level Competition [Khelo India 2016-17, U-17 Boys in Kabaddi] certificate issued by the Sports Development Authority of Tamilnadu is not considered for awarding special marks to the candidates. In such view of the matter, this Court is of the view that since the certificate relied upon by the petitioner has not been considered for awarding marks, the petitioner cannot claim any special right and there is no merits in this Writ Petition.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,



W.P.No.10837 of 2023

WEB COPY

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Represented by its Chairman [DGP]
Old Commissioner of Police Campus,
Pantheon Road, Egmore, Chennai – 600 008.
2. The Chairperson, Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
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W.P.No.10837 of 2023

N.SATHISH KUMAR, J.

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WP.No.10837 of 2023

04.09.2023