



W.P.No. 29372 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.29372 of 2017

and

W.M.P.No.31629 of 2017

S. Prabakaran

.. Petitioner

Versus

The Chairman

Tamil Nadu Uniformed Services REcruitment Board,

Old Commissiner of Police Office Campus

Pantheon Road, Egmore.

Chennai - 600 008

.....Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order Melvaraivu Na.Ka.no.O Mudivu R3/G.P/3590/2017 dated 25.09.2017 and quash the same and consequently direct the respondent i.e, The Chairman, Tamil Nadu Uniformed Services Recruitment Board to appoint the petitioner in the



W.P.No. 29372 of 2017

post of Armed Reserve (AR) or Tamil Nadu Special Police (TSP) on the basis of the marks obtained and consequently allow the petitioner to attend the requisite training programs for he post opted and consequently extend all benefits arising thereto and pass orders.

For Petitioner	:M/s.K. Chandrasekaran
For Respondent	:Mr. Sowmi Datta, Standing counsel

ORDER

This writ petition is filed seeking a writ of Certiorarified Mandamus calling for the records relating to the impugned order Melvaraivu Na.Ka.no.O Mudivu R3/G.P/3590/2017 dated 25.09.2017 and quash the same and consequently direct the respondent i.e, The Chairman, Tamil Nadu Uniformed Services Recruitment Board to appoint the petitioner in the post of Armed Reserve (AR) or Tamil Nadu Special Police (TSP) on the basis of the marks obtained and consequently allow the petitioner to attend the requisite training programs for he post opted and consequently extend all benefits arising thereto and pass orders.



W.P.No. 29372 of 2017

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2. The case of the petitioner is that the Tamil Nadu Uniformed Services Recruitment Board issued notification on 23.01.2017 inviting applications for the post of Grade-II Police Constable, Grade-II Jail Warder and Firemen for the year 2017. The petitioner herein also applied for the same and he attended the written examination which was held on 21.05.2017. In the examination the petitioner obtained 72 marks and he was provisionally selected for the said post. It was shock and surprise to the petitioner that that the petitioner was selected under the Fire Service , but, the desire of the petitioner is to render service in the armed Reserve-Men. Hence, the petitioner sent a representation to the concerned authorities to consider his candidature against the vacancies in the Armed Reserve- Men Constable and the request of the petitioner was rejected by the respondent vide order dated 25.09.2017 vide order Melvaraivu Na.Ka.no.O Mudivu R3/G.P/3590/2017. Hence this petition.

3. The learned counsel for the petitioner submitted the petitioner



W.P.No. 29372 of 2017

belongs to B.C. Community where as cut off marks fixed for the B.C. community for Armed Services is 68 marks, whereas the petitioner has scored 72 marks and the said aspect has to be considered by the authorities concerned and provide an opportunity and consider the candidature of the petitioner against the vacancies in the Armed Reserve-Men Constable. He further submitted that the respondent has not provided any annexure explaining the rules governing the selection along with the application form except the OMR Form. Hence he prays to allow this petition.

4. Per contra, the learned standing counsel for the respondent submitted that in the 16th column of OMR Application they have clearly stated that the candidate on obtaining the required cut off marks under relevant category will be provisionally selected as per the post preference opted by the candidate, any representation to change the post preference at a later stage will not be entertained. This instructions has been clearly set out in the information Brochure in S.No.15 and S.No.X(a) and (b) in the notification. Further it is also submitted that even if a candidate had secured the required cut off marks for the other posts, he will be selected according to the post preference opted by him in the OMR application



W.P.No. 29372 of 2017

form. Hence, prays to dismiss this petition.

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5. On a perusal of records it is seen that the respondent has given an option to the candidates to select the post and the relevant portion from the notification is extracted hereunder:

“ The candidates will be required to give their first, second and third preference for the three categories viz., Grade-II Police Constables, Grade-II Jail Warder and Fireman and the allotment of a candidate selected to the common recruitment among the above 3 categories shall be made taking into account his preference and depending on his rank and the availability of vacancies in the particular category and subject to the rule of reservation and communal rotation, has lay down in the rules. If any person opts only for one post, say Gr.II Police Constable and if his turn is not reached for that category, he will lose his chance, even though he may be eligible as per merit list for the category of Gr.II Jail Warden or Firemen ”

The petitioner herein has opted first preference to the post of Fireman, second preference for TSP, third preference for Armed Reserve Police and fourth preference for Jail Warder and hence as per the preference opted by the petitioner he was selected for the post of fire man.



W.P.No. 29372 of 2017

WEB COPY

6. Further the main contention of the petitioner is that the respondent has not provided any annexure explaining the rules governing the selection along with the application form except the OMR Form and the said contention does not tally with the submission made by the petitioner rather it contravenes with the submission made in the representation. Hence, there is no merit in this petition and the same deserves to be dismissed.

7. For the foregoing reasons, this writ petition is dismissed. No order as to costs. Consequently, connected miscellaneous petitions is closed.

31.10.2023

Speaking order : Yes/No
Neutral citation : Yes/No



W.P.No. 29372 of 2017

Index : Yes/No
smn
To.

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WEB COPY



W.P.No. 29372 of 2017

V.BHAVANI SUBBAROYAN, J.

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