



W.P.No.8076 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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Panugothu Hanuma Naik

... Petitioner

Vs.

- 1.The Director,
Staff Selection Commission,
Block No – 12, 4th Floor,
CGO Complex,
Lodhi Road,
New Delhi – 110 003.
- 2.The Director (SR),
Staff Selection Commission,
2nd Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai.
Tamil Nadu – 600 006.
- 3.The Director General,
CISF HQ CGO Complex,
South East Delhi,
Delhi – 110 003.
- 4.The Inspector General,
Central Industrial Security Force,
South Sector Head Quarters,
Chennai – 600 001.



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5.The Deputy Inspector General,
Central Industrial Security Force Unit,
RTC, Arakkonam,
Ranipet District – 631 152.

6.The Senior Commandant,
Central Industrial Security Force Unit,
Chennai Port Trust (ChPT),
Chennai – 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 7th respondent in his Order E-35015/CISF/RTC(A)/ADM/PSL/2020/4233 dated 15.10.2020 and quash the same and to direct the 3rd respondent to provide the seniority and all consequential service cum monetary benefits at par with fellow batch mates with effect from 2012-13.

For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.N.Ramesh

ORDER

A notice for Constable (GD) in CISF Examination 2012 was published on 03.12.2011. In response to the said notification, the petitioner had participated in the recruitment process and appeared for written examination held on 22.04.2012 and final result of the said examination was declared on



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17.10.2012. The petitioner appeared for the said examination with Roll No.8001500555. Though the petitioner belongs to Schedule Caste (SC) category and availed relaxation of Physical Efficiency Test (PET) and Physical Standard Test (PST) under ST category, the first and second respondents instead of considering the claim of the petitioner for appointment to the post of constable (GD) under ST category, was considered against unreserved category by virtue of merit. Thereafter, a doubt was entertained as to whether the claim of the petitioner was to be considered under the unreserved category or under ST category and therefore the case of the petitioner and certain others was kept pending while the recruitment process in respect of the other candidates were continued and they were selected and appointed during the year 2012. Thereafter, after obtaining a clarification and taking into consideration the fact that the petitioner has availed the benefit of relaxation of Physical Standard Test (PST) being a candidate belong to ST category initially, the result was declared in respect of the petitioner under reserved category and finally he was selected under ST category and his result was declared on 08.10.2014 along with other candidates. Accordingly, the said result was communicated to the CIST office of the Staff Selection Commission through letter dated 14.10.2014 and consequently, the petitioner was appointed on 24.02.2015 and the petitioner



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joined in service and training was commenced on 09.03.2015.

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2. Accordingly the petitioner has been working with the respondent Nos.3 to 7, as the constable (JD) since 24.02.2015. It is thereafter the petitioner made a claim for extending the benefit of seniority and other service benefits on par with his batch mates who were selected in the recruitment in question under ST category, but the said request of the petitioner was rejected by the respondent by passing an impugned order dated 15.10.2020. A perusal of the impugned order shows that claim of the petitioner was negated on the ground that the petitioner was issued provisional offer of appointment for basic training schedule to commence w.e.f. 05.03.2015, consequent upon the result of the petitioner communicated by the Staff Selection Committee, Chennai through letter dated 14.10.2014 and therefore the petitioner is not entitled for fixation of seniority on par with his batchmates i.e., candidates appointed during the year 2012.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.



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4. There is no dispute on factual aspect. The result of the petitioner in the recruitment process was declared on 17.10.2012 under unreserved category erroneously by respondent No.1. Because of the confusion created by the respondent Nos.1 and 2 as to whether the petitioner is to be treated as unreserved category or ST category, the process of further selection in respect of the petitioner and others were postponed and finally obtained a clarification in the year 2014. The respondent No.1 has communicated the selection of the petitioner to the respondent Nos.1 to 7 through its letter dated 14.10.2014 and consequently, the petitioner was issued the appointment order dated 24.02.2015 by the CISF. Meanwhile, the candidates who were selected along with the petitioner under ST category were appointed as constable (JD) and have been working since the year 2012. The petitioner was deprived of being appointed on par with or along with his batch mates who were selected under ST category, pursuant to the written examination held on 22.04.2012 and he was not issued appointment order. On the other hand, the delay in appointing the petitioner as constable is only because of the negligence on the part of the respondent Nos.1 and 2 and the confusion that was created by themselves.



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5. In view of the above, the right of the petitioner to be treated on par with the candidates who were selected under the ST category in the recruitment in question cannot be denied. No doubt, the petitioner was appointed only through proceedings dated 24.02.2015, the other candidates in selection process were appointed as early as in the year 2012. Because of the mistake of the respondent 1 and 2, the petitioner cannot be deprived of the right of being treated on par with his batch mates, in terms of the merit in the written examination and other selection process.

6. In the light of the above, the impugned order cannot be sustained and the same is accordingly set aside and consequently the respondent Nos.1 and 2 are directed to communicate the merit list of the candidates selected under ST category in the recruitment in question to the respondent No.3. On receipt of such merit list, the respondent No.3 to take steps for placing the petitioner in the seniority list in terms of the said merit list, within a period of two months from the date of receipt of the merit list from the respondents 1 and 2. The petitioner shall also be entitled for service benefits on par with his other batch mates except the monetary benefits till 24.02.2015. The respondents are also directed to consider the aspect of extending the similar benefits to the other similarly



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situated persons, like the petitioner who are stated to be 71 in number and to take a decision in this regard.

7. Accordingly, this Writ Petition stands allowed. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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