



WEB COPY



W.P.No.9960 of 2023, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.9960, 11297, 12082, 12088, 12090, 12092, 12094, 12095,
12100, 12103 & 12108 of 2023 and
WMP.Nos.10006, 10043, 11180, 11181, 11943, 11944, 11939, 11940,
11937, 11938, 11934, 11935, 11930, 11931, 11927, 11928, 11922,
11924, 11953, 11954, 11947 & 11948 of 2023

WP.No.9960 of 2023

K.Marimuthu

... Petitioner

Vs.

- 1.The Director General of Police/Chairperson,
Tamilnadu Uniformed Service Recruitment Board,
Old COP Campus,
Pantheon Road, Egmore,
Chennai 600 008
- 2.The Director General of Police,
No.1, Kamarajar Salai,
Mylapore,
Chennai 600 008
- 3.The Additional Chief Secretary,
State of Tamilnadu Home (Pol-III) Department,
Secretariat,
Chennai 600 009
- 4.The Inspector General of Police/Member Secretary,
Tamilnadu Uniformed Service Recruitment Board,



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Old COP Campus,
Pantheon Road, Egmore,
Chennai 600 008

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in respect of the impugned order passed by the fourth respondent vide reference Annexure-9(Disqualification Slip) dated 08.02.2023 and quash the same and direct the respondents to conduct the physical efficiency test to the petitioner for the year 2023 for the post of Grade-II Police Constables, Grade-II Jail Warders & Fireman.

For Petitioner
in all WP's : Mr.P.Sam Japa Singh

For Respondents
in all WP's

For R1 & 4 : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mrs.D.Sowmi Dattan,
Standing Counsel

For R2 & 3 : Dr.T.Seenivasan,
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the respective orders passed by the respondent concerned dated 08.02.2023



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and 10.02.2023 vide reference Annexure-9 thereby issued disqualification slip to the petitioners.

2. The Tamilnadu Uniformed Service Recruitment Board invited applications for the common recruitment for the post of Grade-II Police Constable, Grade-II Jail Warder and Fireman vide notification dated 30.06.2022 in notification No.2 of 2022. As per the Rules, 5% of the vacancies were reserved for Ex-Servicemen in Group 'C' post of State Government as per GO.(2D) No.67 Home (Police-III) Department dated 24.02.2011. Even before that, age concession to all Ex-CAPF Personnel and exemption in physical tests were provided vide GO.(Ms)No.1183 Home (Pol.3) Department dated 11.12.2006. By the GO.(Ms)No.19, Home (Police-3) Department dated 06.01.2014 modified the selection criteria for women and Ex-servicemen / Ex-CAPF appearing for recruitment to the post of Grade-II Police Constable, Grade-II Jail Warder and Firemen and withdrew the exemption which was granted in GO.(Ms)No.1183 Home (Pol.3) Department dated 11.12.2006. Though Ex-CAPF personnel are not given reservation on par with



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Ex-servicemen, after completion of written examination, in case they qualify for the physical test, they are exempted from height measurement and chest measurement. Further relaxation in physical efficiency tests are also provided to Ex-CAPF personnel by the amendment made in Special Rules for Tamilnadu Police Subordinate Services vide GO.(Ms).No.998 Home (Police VI) Department dated 27.12.2014 on par with Ex-servicemen.

3. The petitioners worked under Central Armed Police Personnel in Border Security Force(BSF) and retired from service. They had applied for common recruitment for the year 2022. As per the rules, the respondents had accepted their applications based on the 5% reservation provided to Ex-Servicemen. After being qualified in the written examination, they were issued with admit card for next stage of physical efficiency test. However, they were disqualified on the ground that they did not get enough mark. Therefore, the petitioners submitted representation. However, it was not considered by the respondents. All the petitioners had secured marks in the written test lower than the mark



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of the last selected candidate in their respective category in written test as follows:

<i>S No.</i>	<i>Petitioners</i>	<i>Enrl.No</i>	<i>Comm.</i>	<i>Written Test Marks</i>	<i>Mar of the last selected candidates in written Test</i>
1	D.Raju	4500016	SC	33	58
2	T.Lingadurai	4801396	BC	38	58
3	S.Ramar	4601168	SC	31	58
4	K.Thanjan	2108008	BC	43	58
5	P.Muthu	4506793	SC	30	58
6	P.Narayanan	4703358	BC	46	58
7	R.Poornachanran	4506938	BC	45	58
8	S.Jeevanesan	2109449	BC	54	58
9	V.Mariappan	4504254	BC	41	58
10	S.Vijayakumar	4507655	BC	42	58
11	K.Marimuthu	4507853	SCA (G)	35	56

4. All the petitioners had applied under Ex-servicemen quota and they were all Ex-CAPF personnel. As per the clarification issued by the State Government in letter dated 18.04.2022, Ex-CAPF Personnel are not entitled to benefit of 5% Ex-servicemen reservation. Therefore, they were not considered for 5% Ex-servicemen reservation, but entitled to such reservation on par with Ex-servicemen as per GO.(Ms)No.1183



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Home (Pol.3) Department dated 11.12.2006. Since reservation of 5% is not extended to Ex-CAPF personnel, considering them under respective community in general category, these petitioners were qualified at the stage of certificate verification based on their written test mark. Since mark of the last selected candidates under the respective categories in the written test being higher than that of the petitioners herein, they were not allowed for further process i.e. physical test. As per the norms stipulated in the notification and information brochure, candidates who have been qualified in the written examination are to be allowed for the next stage of selection process i.e. certificate verification / physical measurement test / endurance test / physical efficiency test. Each of the stage is qualifying in nature. The petitioners having been disqualified in the certificate verification process, they were not eligible to be allowed for endurance test and they were rightly disqualified based on their written test marks. Therefore, they were rightly issued disqualification slip and this Court finds no infirmity or illegality in the impugned orders.

5. In the result, all the writ petitions stand dismissed.



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Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

02.02.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Tamilnadu Uniformed Service Recruitment Board,
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Pantheon Road, Egmore,
Chennai 600 008
- 2.The Director General of Police,
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