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W.P.Nos.19378 and 19384 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.19378 and 19384 of 2021

and

W.M.P.Nos.20677, 20679, 20671 and 20677 of 2021

W.P.No.19378 of 2021

R.Muthukumar

... Petitioner

Vs.

1. The Director General of Police/ Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008.

2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008.

3. The Expert Committee,
Represented by Superintendent of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Expert Committee report dated 09.11.2020 and quash the same as illegal, further direct the 1st respondent to appoint a committee with higher officials or any other may be fixed by this Hon'ble Court and conduct a denova fresh enquiry as directed by this Hon'ble Court in earlier order in W.P (MD) No.7854 of 2020 and batch in accordance with law and pass such further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

W.P.No.19384 of 2021

R.Muthukumar

... Petitioner

Vs.

1. The Director General of Police/ Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008.
2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008.
3. The Expert Committee,
Represented by Superintendent of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,



Pantheon Road, Egmore,
Chennai – 600 008

W.P.Nos.19378 and 19384 of



... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent provisional selection list of open candidates published in RC.No.860/R2/TNUSRB/2019 and quash the same as illegal and further direct the respondents to prepare a fresh list in accordance with law.

In Both Writ Petitions

For Petitioner	: M/s.M.A.Gouthaman
For R1	: Mr.S.P.Karthik, Government Advocate
For R2 & R3	: Mr.P.Kumaresan, Additional Advocate General assisted by Mr.D.Sowmi Dattan, Standing Counsel

COMMON ORDER

These two Writ Petitions have been filed by the same petitioner and relating to the same subject matter. Hence both the matters are being disposed of by this common order.



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2. The Tamil Nadu Uniformed Services Recruitment Board issued a Notification No.2/2019 dated 08.03.2019 for direct recruitment to the post of Sub-Inspector of Police (Taluk, Armed Reserve) (Men & Women/ Transgender) and Tamil Nadu Special Police (Men), 2019. In response to the said notification, the petitioner herein participated in the selection process by writing the written examination. In the written examination, the petitioner failed and the same is an admitted fact, as is evident from Paragraph No.6 of the affidavit filed in support of the Writ Petition in W.P.No.19378 of 2021. Having failed in the written examination, the petitioner along with certain others filed W.P (MD) No.7599 of 2020 and batch by making various allegations on the selection process and the said batch of Writ Petitions were disposed of by the Madurai Bench of this Court vide order dated 17.08.2020 holding that the allegations that are made on the selection process cannot be examined by this Court and it would be better to relegate the same to the respondent Board and accordingly allowed the respondent Board to constitute an Expert Committee on their own for looking into the allegations that are made on the selection process pursuant to the above referred notification. Accordingly, an Expert Committee was appointed and a report also came to be submitted by the Expert Committee rejecting the allegations that are made



on the selection process. It is aggrieved by the said report submitted by the Expert Committee, the petitioner once again approached this Court by questioning the said report and seeking denovo inquiry. The petitioner also claimed for consideration of his case under 'Sports Quota'.

3. The respondents filed a counter-affidavit stating that the petitioner made an application under 'Sports Quota', but the claim made by the petitioner could not be considered under 'Sports Quota' for want of eligibility and therefore, his case was considered under 'General Quota'. On considering the case of the petitioner in 'General Quota', he could not come up for selection as the last candidate selected under MBC/ DNC category had secured 48.50 marks, as against 36 marks secured by the petitioner. Thus, it is contended that the petitioner could not come up within the zone of consideration for selection pursuant to the above referred notification. The claim of the petitioner under 'Sports Quota' is basing upon his participation in the Sports representing Pondicherry University.

4. In terms of Paragraph No.10 of the above referred recruitment



notification, it is only the candidate who participated in the events representing Tamil Nadu State/ Indian Nation and the candidates who have participated in the events representing Tamil Nadu Colleges/ Universities are eligible to claim reservation under the 'Sports Quota'. Admittedly, the petitioner herein is not the one who represented either Tamil Nadu State/ Indian Nation and obtained Form-I/ Form-III certificates nor represented Tamil Nadu Colleges/ Universities. Therefore, the claim of the petitioner for consideration of his case under 'Sports Quota' does not arise.

5. Then, coming to the various allegations that are made on the selection process are concerned, the petitioner herein having participated in the very same selection process and having failed in the written examination cannot be permitted to make allegations on the selection process. This Court has also perused the nature of allegations that are made on the selection process and on thorough verification of the said allegations, it is noticed that the said allegations though appears to be of serious in nature, they are as vague as they can be.

6. In addition to the above, the entire selection process pursuant to the



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recruitment notification in question was concluded long back and all the vacancies have already been filled in. In spite of the same made known to the petitioner as early as in the month of October, 2021 by way of a counter-affidavit, the petitioner has not taken any steps to implead the selected candidates as parties to the Writ Petitions. In the absence of the selected candidates being made parties to these Writ Petitions, the selection and appointments that have already taken place cannot be interfered with by this Court. Therefore, any amount of exercise or enquiry into the allegations that are made against the report of the Expert Committee does not serve any purpose.

7. In the light of the above, this Court does not find any merit in both the Writ Petitions and they are accordingly dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

03.06.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To



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MUMMINENI SUDHEER KUMAR, J.

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