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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29097 of 2024

C.Senthamil Selvan

... Petitioner

Vs.

1.The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Chairman,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai – 08.

3.The Tamil Nadu Uniformed Services Recruitment Board Sub Committee,
Rep. by its Chairman,
Villupuram Centre,
Office of the Superintendent of Police,
Villupuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for



issuance of a Writ of Mandamus, to direct the 2nd respondent to grant Special Grade Marks to the petitioner by considering the National Service Scheme (NSS) Certificate in the Common Recruitment Examination conducted by the 2nd respondent for the year 2023 as per Notification No.2 of 2023, dated 08.08.2023 and consequently select and appoint the petitioner for the post of Tamil Nadu Special Police (TSP) Grade-II, Police Constable for the year 2023.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1

Mrs.Sowmi Dattan
Standing Counsel for R2 & R3

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to grant Special Grade Marks to the petitioner by considering the NSS Certificate in the Common Recruitment Examination conducted by the 2nd respondent for the year 2023 under Notification dated 08.08.2023 and consequently select and appoint the petitioner to the post of Tamil Nadu Special Police (TSP) Grade II, Police Constable for the year 2023.



2. When the matter came up for hearing on 01.10.2024, this Court passed the following order:

Mr.P.Balathandayutham, learned Special Government Pleader, takes notice for first respondent.

2. Mrs.Sowmi Dattan, learned Standing Counsel, takes notice for respondents 2 and 3.

3. The issue involved in the present writ petition pertains to awarding marks to the petitioner based on the NSS certificate submitted by the petitioner. According to the petitioner, he is entitled to be awarded two marks.

4. When the writ petition was taken up for hearing, learned counsel for petitioner submitted that after the filing of the writ petition, one mark was added to the petitioner after considering the NSS certificate. However, the petitioner was not selected since he secured only 84 marks. According to the learned counsel for petitioner, the petitioner is entitled for two additional marks.



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Post this writ petition at the end of the motion list on 16.10.2024. In the mean time, learned Standing Counsel for respondents 2 and 3 shall take written instructions.

3. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the 2nd and 3rd respondents on instructions made her submissions.

4. Heard Mr.E.C.Ramesh, learned counsel appearing on behalf of the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of the 1st respondent and Mrs.Sowmi Dattan, learned Standing Counsel appearing on behalf of respondents 2 and 3.

5. The short issue that arises for consideration is as to whether the petitioner is entitled to be awarded two marks for producing the NSS Certificate as per the notification dated 08.08.2023.

6. To appreciate the above issue, it will be relevant to extract the particular



portion from the notification dealing with NSS Certificate hereunder:

நாட்டு நலப்பணித் திட்டம் (NSS) (அதிகபட்ச மதிப்பெண் - 2)	0) மாநில இளைஞர் விருது + தேசிய இளைஞர் விருது + மாநிலங்களுக்கிடையேயான (தேசிய) அபிவிருத்தித் திட்டங்களில் பங்குகொண்டமைக்கு ஆ) குடிபார்க திச அணி வகுப்பு இ) தேசிய ஒருமைப்பாட்டு முகாம் ஈ) விருந்தி திருவுகள் உ) கோடை கால + குளிர்கால முகாம்கள் ஊ) மாநிலங்களுக்கிடையேயான இளைஞர்களின் பரிமாற்ற மற்றும் மாநிலங்களில் தங்கும் திருவுகள் எ) தேசிய இளைஞர் விருது மேற்காணும் சான்றிதழ்கள் இளைஞர் விவகாரங்கள் மற்றும் விளைபாட்டு அமைச்சகம், இந்திய அரசு, நாட்டு நலப்பணித் திட்ட பிராந்திய மையங்கள், மாநில இளைஞர் நலன் மற்றும் விளைபாட்டு மேம்பாட்டு துறை, (Ministry of Youth Affairs and Sports, Government of India and its Sub-ordinate Office viz. NSS Regional Centres and by the State Governments concerned, Youth Welfare Department) ஏதேனும் ஒரு துறையால் வழங்கப்பட்டிருக்க வேண்டும். சான்றிதழ்: துணை வேந்தர் (Vice Chancellor) / கல்வி நிறுவன தலைவர் (Head of the Educational Institution) / முதன்மை கல்வி அதிகாரி (Chief Executive Officer) / நிகழ்ச்சி ஒருங்கிணைப்பாளர் (Programme Co- ordinator) இவர்களால் வழங்கப்பட்டிருக்க வேண்டும்.	2 மதிப்பெண்கள்
(ii)	நாட்டு நலப் பணி திட்டத்தில் 2 ஆண்டுகள் முடித்தவர்கள் நாட்டு நலப் பணி திட்டத்தில் பங்குபெற்று அரசு ஆணை நிலை எண் 8, தேதி 21.01.2002-ல் உள்ள விதிமுறைகளை நிறைவு செய்தவர்கள் / மாநிலத்தில் நடைபெற்று கிரப்பு முகாம்களில் பங்குகொண்டமைக்கான சான்றிதழ் பெற்றவர்கள் - 1 மதிப்பெண்.	
(iii)	திட்டச்செயல் தொண்டர்கள் மாவட்டத்திற்குள் நடைபெறும் போட்டிகளில் கலந்து கொண்டவர்கள் - 3 மதிப்பெண்.	



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7.The specific case of the petitioner is that he has obtained the NSS Certificate signed by the Head of Institution, Programme Co-ordinator and the Vice-Chancellor and therefore, the petitioner is entitled to be awarded two marks and whereas, the petitioner has been awarded only one mark and thereby, the petitioner has secured a total of 84 marks. Yet another candidate had secured 84 marks and considering the date of birth of the petitioner, the petitioner will not be able to find place in the selection list. Therefore, if the petitioner is awarded two marks, the petitioner will secure a total of 85 marks and thereby, the petitioner will be entitled to be considered for appointment.

8.Per contra, learned Standing Counsel appearing on behalf of the 2nd and 3rd respondents submitted that the petitioner will be entitled only for one mark, since the petitioner has participated in social service for a period of two years and has attended NSS Special Camp. This falls under Class (ii) of the notification and therefore, the request made by the petitioner for awarding two marks is unsustainable.



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9.The relevant portion in the notification has already been extracted *supra*.

The NSS Certificate is categorized under three heads. For candidates who fall under the first head (Class i), they get two marks. For candidates who fall under the second head (Class ii), they get one mark and for candidates who fall under the third head (Class iii), they get half mark.

10.The petitioner is seeking for two marks on the ground that the NSS Certificate has been signed by the concerned authorities as provided under Class (i). The above stand taken by the petitioner is not sustainable, since the signature in the NSS Certificate must pertain to those activities which has been prescribed in Class (i). Therefore, while dealing with NSS Certificate, this Court must see as to whether the petitioner had participated in any of the activity provided under Class (i) and such Certificate has been signed by the concerned authority.

11.On carefully going through the NSS Certificate relied upon by the petitioner, it is seen that the petitioner has served as a NSS volunteer for two years from 2019-2021 and attended NSS Special Camp. Hence, the case of the



petitioner will squarely fall under Class (ii). For this, the petitioner is entitled only for one mark.

12. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No Costs.

17.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
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2. The Chairman,
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Tamil Nadu Uniformed Services Recruitment Board Sub Committee,
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N. ANAND VENKATESH, J.

SSR

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