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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 03.04.2024

Delivered on : 29.04.2024

**CORAM:**

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR**  
**And**  
**THE HON'BLE MR. JUSTICE KUMARESH BABU**

**W.P.No. 6358 of 2020**

A.Madurai  
S/o.M.Arumugam

..Petitioner

Vs

1. The Union of India rep, by  
The Government of Puducherry  
Through the Inspector General of Police,  
Police Department, Puducherry,

2.The Superintendent of Police (HQ)  
Police Department,  
Puducherry.

3.The Registrar,  
Central Administrative Tribunal,  
Madras Bench, Madras High Court,  
Chennai-1.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the order passed by the 3<sup>rd</sup> respondent in O.A.No. 1050 of 2015, dated 28.06.2019 as well as the impugned order passed by the 2<sup>nd</sup> respondent in order No.9-3/A2/Estt.I(A)/Pol/2014 dated 26.12.2014 and quash the same and consequently direct the 1<sup>st</sup> respondent to appoint the petitioner as Sub-Inspector of Police under EBC category as per G.O Ms.No.9/2010WEL/SW-V dated 28.08.2010 under two sanctioned post.



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For Petitioner : Mr.R.Parthiban  
For Respondents : Mr.R.Syed Mustafa,Spl/GP – R1 & R2  
R3 – Tribunal

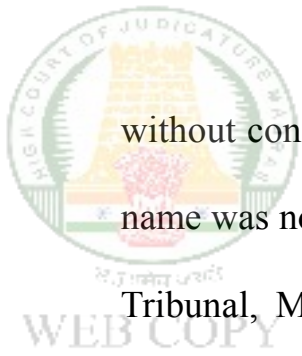
## ORDER

### **D.KRISHNAKUMAR, J.**

Challenging the order passed by the Central Administrative Tribunal, Chennai/3<sup>rd</sup> respondent in O.A.No. 1050 of 2015, dated 28.06.2019 as well as the impugned order passed by the 2<sup>nd</sup> respondent in order No.9-3/A2/Estt.I(A)/Pol/2014 dated 26.12.2014 and quash the same and consequently direct the 1<sup>st</sup> respondent to appoint the petitioner as Sub-Inspector of Police under EBC category as per G.O Ms.No.9/2010WEL/SW-V dated 28.08.2010 under two sanctioned posts.

### ***Brief facts:***

2. The petitioner, currently employed as a Lower Divisional Clerk in the Puducherry government, applied for the post of Sub Inspector of Police under direct recruitment as per notification dated 18.11.2010. In 2010, the Government of Puducherry created two reserved categories, EBC (Extreme Backward Class) and BCM (Backward Class Muslim), but these were not reflected in the initial notification for the Sub Inspector post. A corrigendum was issued, but it did not reserve the OBC category, and the EBC reservation was not reflected either. The petitioner, after applying for the post, requested to include the EBC category, but the recruitment process proceeded



without considering this request. When the selection list was published, the petitioner's name was not included. The petitioner challenged this before the Central Administrative Tribunal, Madras. The same was allowed by the tribunal and directed to issue an appointment order. However, the respondent then passed an order stating that the petitioner was not eligible, citing their rank of merit as the fifth position. Aggrieved by this decision, the petitioner challenged the order before the tribunal in OA No. 1050 of 2015, raising various valid grounds. However, the tribunal dismissed the petition, hence filed this writ petition seeking to quash both orders and to direct the respondents to issue an appointment order for the post of Sub Inspector of Police, along with consequential benefits.

3. Mr.R.Parthiban, learned counsel for the petitioner has submitted that since the respondents 1 & 2 failed to implement the separate reservation provided for EBC candidates as per the G.O.Ms.No. 9/2010/WEL/SW-V, dated 28.08.2010, which provided 2% reservation out of 13% overall reservation made in favour of MBC, the petitioner had preferred an application before the tribunal in O.A.No.507 of 2011 challenging the provisional selection of certain candidates who were selected under the MBC category, where from the separate reservation was carved out for EBC candidates and direct the respondents 1& 2 to reconsider the petitioner herein for the post of Sub Inspector of Police by adhering with 2% reservation for EBC candidates as per the aforesaid G.O. Even though the tribunal by order dated 03.07.2014 directed the



respondent to grant appointment to the petitioner, the respondents have passed an order dated 26.12.2014, stating that the petitioner is not eligible for appointment to the post of Sub Inspector of Police. The tribunal has also confirmed the said rejection order in the subsequent application, which is impugned in the writ petition, without considering the G.O passed by the Government of Puducherry.

4. According to the petitioner two posts are available under the said quota. One M.Coumar has challenged the said notification by filing a writ petition in W.P.No. 35423 of 2012 and the same was dismissed by this Court by order dated 04.10.2013. However, the said M.Coumar has filed a Review Application in RA.No. 192 of 2013 against the dismissal order passed in the writ petition. As per the orders passed in the said Review Application, the respondent had appointed the said M.Coumar as Sub Inspector of Police under EBC quota on 01.06.2016. The petitioner herein is the second successful person who had challenged the action of the respondent for non-reserving the post under EBC category. Therefore, the tribunal ought to have allowed the application by issuing an appointment to the applicant as there is no minimum mark described in the recruitment process. Therefore, the tribunal confirming the rejection order passed by the respondent as he has not secured marked required for appointment is unsustainable in law and liable to be set aside.



5. On the other hand, Mr.R.Syed Mustafa, learned Special Government Pleader appearing for the respondents 1 & 2 has submitted that as per Recruitment Rules, the post of Sub Inspector comes under Group 'C' category and the department has to fill 50% of the vacancies by Direct Recruitment and 50% by promotion. Out of total 41 posts, 12 vacancies were given to General category, 6 vacancies to OBC, 10 vacancies to MBC, 10 vacancies to SC, 2 vacancies to MCM and 1 vacancy to BT. The respondent conducted written examination on 06.02.2011 and 40 candidates were selected from the written examination by provisional select list dated 07.02.2011. In the meanwhile, the petitioner herein has filed an application in O.A.No. 507 of 2011 before the tribunal challenging the notification and selection. As per the directions issued by the tribunal on the said application, the respondent re-examined the case of the petitioner for selection against 2% EBC quota from among the EBC candidates. Since the petitioner has secured less marks than the other 4 candidates, he was not found eligible to be appointed as Sub Inspector of Police.

6. The learned Special Government Pleader has further submitted that one M.Coumar was given appointment under EBC quota, purely based on the marks obtained by him and based on the direction issued by this Court in Review Application No. 192 of 2013 in W.P.No. 35423 of 2012, dated 02.02.2016. Therefore, the petitioner who secured low marks cannot claim appointment under EBC quota citing the



appointment given to one M.Coumar. The respondent-department after carefully considering all the materials and the directions issued by the tribunal, has passed order rejecting the claim of the petitioner for appointment to the post of Sub Inspector under EBC quota. The tribunal in the impugned order has rightly considered the above facts and dismissed the application, confirming the rejection order passed by the tribunal, therefore nothing warrants to interfere with this Court and the writ petition is liable to be dismissed.

7. Heard both sides and perused the materials available on record.

8. The main ground raised by the petitioner is that he belongs to EBC category and the respondent had not reserved any post for EBC which was against the Government orders issued in this regard. Admittedly, the tribunal in the application filed by the petitioner in O.A.No. 507 of 2011, directed the respondents to re-examine the case of the petitioner for selection under 2% EBC quota and take a decision in the matter.

9. A perusal of notification dated 18.11.2010 shows that there was no EBC quota provided. Further, only based on the directions given by this Court in the Review Application in RA.No. 192 of 2013 filed by M.Coumar and the directions of the tribunal in O.A.No. 507 of 2011 filed by the petitioner herein, the respondent had re-



examined for selection against 2% EBC quota from among 5 EBC candidates the petitioner herein, M.Coumar and 3 others and passed a reasoned order. The records further reveal that the petitioner herein namely Madurai is the last person and he had secured only 108 marks and he is below 4 others. The said M.Coumar had secured highest mark i.e., 119, and accordingly, he was given appointment under the said quota.

10. In conclusion, the respondent-department meticulously considered the petitioner's case in accordance with the directions of the tribunal and passed order dated 26.12.2014, rejecting the petitioner's claim on the basis of merit. The examination of the records reveals that the petitioner namely Madurai, ranked last among the five EBC candidates, securing only 108 marks, which placed him below four other candidates. In contrast, M.Coumar secured highest marks amongst five candidates, obtaining 119 marks. Consequently, M.Coumar was rightfully appointed under the EBC quota.

11. Therefore, the petitioner's contention that he was unfairly denied appointment under the EBC quota is unsubstantiated. The respondent-department's decision to reject the petitioner's claim and appoint M.Coumar was based on a fair and transparent assessment of the candidates' merits, as evidenced by the speaking order issued by the respondent. Therefore, it is clear that the respondent acted in accordance with the law and the directions of the tribunal issued in O.A.No. 507 of 2011, dated 03.07.2014, and the petitioner's claim lacks merit and cannot be countenanced.



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12. In the result, the writ petition stands dismissed. No costs.

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**[D.K.K., J.,] [K.B., J.]**

**29 .04.2024**

Index:yes/no

Internet:yes

Speaking order/Non speaking order  
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To

1. The Union of India rep, by  
The Government of Puducherry  
Through the Inspector General of Police,  
Police Department, Puducherry,

2.The Superintendent of Police (HQ)  
Police Department,  
Puducherry.



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**D.KRISHNAKUMAR, J.,  
&  
KUMARESH BABU, J,**

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