



WP.(MD).No.2014 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2014 of 2024
and
W.M.P.(MD)No.2021 of 2024

P.Muniasamy

... Petitioner

Vs.

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

2.The Chairperson,
Tamil Nadu Uniformed Services Recruitment Board,
Sub-Committee,
Madurai Centre,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner (Enrolment No.4003541) to participate in the further selection process for the post of Grade II Constable, Grade II Jail Warders and Firemen in the Tamil Nadu Uniformed Services Recruitment Board 2023 under Ex Service men/Ex-CAPF Men quota.



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Commandant CRPF and his PSTM certificate. Thereafter, the first respondent had sent a communication to the petitioner to participate in the written examination conducted on 10.12.2023. The first respondent published the overall result in the website on 22.01.2024 and the petitioner had secured 53 marks. However, his registration number was not mentioned in the selection list for the further process. Shocked by the same, after verifying the marks scored by other CAPF men under the Ex-CAPF men quota, the petitioner came to understand that even those who have scored less than 50 marks have been called for to participate in the physical efficiency test, which was scheduled on 07.02.2024. Though the petitioner had scored 53 marks in the written examination, he was not called for to participate in the physical efficiency test. Hence on 23.01.2024, he made a representation to the first respondent and also had sent a email in this regard. However, the same was not considered. Hence, he made another detailed representation to the first respondent on 27.01.2024 to the respondents. Since the same was not considered, the petitioner has filed this Writ Petition seeking to direct the respondents to permit him to participate in the further selection process for the post of Grade II Constable, Grade II Jail Warders and Firemen in the



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Uniformed Services Recruitment Board 2023.

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3.The learned Additional Advocate General submitted that the petitioner Thiru.P.Muniasamy belonging to the BC community had applied to the common recruitment 2023 under the Ex-CAPF category claiming PSTM in his online application. He had secured 53 marks in the written examination. While the mark of the last selected candidate under BC PSTM in the ratio of 1:5 being 59 as per the 200 point roster system, the mark of the last selected candidate under the ex-service men category for BC PSTM is 27. Since no reservation is provided for Ex-CAPF on par with ex-servicemen, this petitioner was considered under open quota BC PSTM category. Hence, he was not selected for the next stage of selection process that is physical test. The mark of the last selected candidate under ex-servicemen category for BC PSTM is 27. Thus, ex-servicemen candidates who had secured less than 50 marks, have been provisionally called for physical test. Since this petitioner is an Ex-CAPF, he cannot claim reservation under ex-servicemen quota. However, the petitioner's claim that Ex-CAPF personnel, who have scored less than 50 marks were called for PET is incorrect. The learned Additional Advocate General emphatically



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contended that no candidate who had secured less than 50 marks under the Ex-CAPF category, has been provisionally selected for PET. Such an allegation which has been put forth by the petitioner is fully unfounded. Accordingly, he pressed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General appearing for the respondents and carefully perused the entire materials available on record.

5. A careful perusal of the materials on record would reveal that the respondent Board invited applications for the common recruitment for the post of Grade II Police Constable vide notification No.2 of 2023 dated 08.08.2023. In the said Notification, it has been mentioned that 5% reservation for ex-servicemen will not be extended to ex-Central Armed Police Force (Ex-CAPF) as per the direction of the State Government in letter No.9308/Police-III/2020 - 5 dated 18.04.2022. Though till the common recruitment 2020, 5% reservation, meant for ex-servicemen as per G.O. 2D.No. 67 Home (Police III) Department dated 02.04.2011 was extended to Ex-CAPF personnel, the said relaxation was not extended during



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the recruitment 2022 conducted by TNUSRB, based on the letter dated 18.04.2022 received from the Home Department. The said letter No.9308/Police-III/2020-5 dated 18.04.2022 was issued by the Home Police III Department, Secretariat, Chennai 9. For the sake of convenience, it is extracted as follows:-

“In continuation of the government letter fifth cited, I am to state that ex-service men personnel are distinct from ex-Central Armed Police Force personnel. The present norms provide five person reservation only to the ex-servicemen personnel and not to those of ex-Central Armed Police Force personnel. However, from your letter sixth cited, it has been observed that the five person reservation for ex-servicemen has been extended to ex-Central Armed Police Force candidates in the common recruitment to the post of Grade II Police Constable, Jail Warder and Fireman for the years 2019 and 2020 without obtaining concurrence of the Government.

In view of which, I am to request you to ensure that hence forth, the provisions of the Special Rules related to the posts and the Tamil Nadu Government Servants Conditions of Service Act, 2016, are being followed without ambiguity and also that the five reservation is restricted only to the ex-servicemen personnel sans ex-Central Armed Police Force personnel.”

6.The said communication has emanated from the desk of the Additional Chief Secretary to the Government of the Home Police III Department. It is only on that basis the respondent Board did



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not extend 5% reservation to the Ex-CAPF of personnel. That apart as per G.O.Ms.No.1183 Home Police III Department dated 11.12.2006, age relaxation and relaxation in physical tests for Ex-CAPF personnel are being provided on par with ex-servicemen. Thus, the benefit of the said G.O.Ms.No.1183 dated 11.12.2006 has been extended to the Ex-CAPF personnel by extending them with the age relaxation and relaxation in physical tests though 5% reservation has not been extended to the Ex-CAPF personnel. Since 5% reservation is not extended to Ex-CAPF personnel though the petitioner had made application under Ex-CAPF category claiming PSTM in his online application, he was considered only under the category of BC PSTM communal category. Since the petitioner was considered under open quota BC PSTM category, the mark scored by him being 59, he did not come under the Zone of Consideration and as such, he was not selected for the next stage of selection process that is physical test. It is only because of the fact that the petitioner had failed to secure the required marks under his respective category of open quota BC PSTM, he was not further selected for the subsequent process that is PET.



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7.In view of the same, this Court is not inclined to interfere with the selection process of the respondent Board.

8.Accordingly, the Writ Petition fails and the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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L.VICTORIA GOWRI, J.

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