



WP.(MD).No.2541 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.2541 of 2024

and

W.M.P.(MD)No.2535, 2537 and 2538 of 2024

N.Pradeep

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai – 600 004.

2.Tamil Nadu Uniformed Services Recruitment Board,
Rep. By its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 8.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in connection with the impugned selection list for certificate verification for the post of Sub Inspector of Police published by the second respondent in his official website on 01.02.2024 and quash the same in so far as petitioner is concerned.

For Petitioner

: Mr.G.Thalaimuthurasu

For Respondents

: Mr.P.Veera Kathiravan,

Additional Advocate General



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WP.(MD).No.2541 of 2024

Assisted by
Mr.S.Shaji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to quash the impugned selection list for certificate verification for the post of Sub Inspector of Police published by the second respondent in his official website on 01.02.2024.

2.The petitioner is a B.E., Mechanical Engineer coming under the category of Scheduled Caste. The petitioner had participated in the Silambam Competition in the National Level for the year 2021-2022 representing on behalf of the State of Tamil nadu and won gold medal and also participated in the District Level Competition held in the year 2022-2023 conducted by the Youth Welfare and Sports Development and had won bronze medal with the authentication of the District Collector, Sivagangai. Based on that, the Youth and Sports Development Association Authority has issued a certificate for employment in Group 'C' and 'D' Services under the Central Government. At this point of time, the second respondent had issued a Notification calling for applications from



WP.(MD).No.2541 of 2024

the open market for direct recruitment to the post of Sub Inspector of Police for the year 2023 vide Notification No.1 of 2023 dated 05.05.2023 for a total number of 615 vacancies and six backlog vacancies out of which, 10 percent has been reserved for Sports Quota. The petitioner duly applied under the Sports Quota and after due verification, he was allotted with Roll No.4302522. The petitioner had attended the written examination and had scored 55 marks in it. Pursuant to the same, he was called for certificate verification, which was held on 07.11.2023 and he was also held to be qualified in it. Consequently, he was called for viva voce, which was held on 29.12.2023. He also participated in the physical examination test, in which, he had secured 15 marks that is double stars. While he was eagerly waiting for further process of medical examination in the list published by the second respondent in his official website date on 01.02.2024, it was declared that the petitioner has been disqualified. The petitioner visited the office of the second respondent on the very next day for knowing the reason for his disqualification. He was also advised to make any query by way of RTI. Though the petitioner had participated in the viva voce process, his marks were not disclosed for the said process. The respondents cannot blindly refuse the petitioner's candidature



WP.(MD).No.2541 of 2024

without any valid reason and the same is against the principle of due process of law. Hence, this Writ Petition came to be filed challenging the impugned selection list for certificate verification for the post of Sub Inspector of Police published by the second respondent in the official website on 01.02.2024.

3.The learned counsel for the petitioner submitted that though the petitioner is fully qualified to be appointed to the post of Sub Inspector of Police disqualifying him without assigning any valid reason would amount to colourable exercise of power infringing the right of the petitioner to be lawfully selected and appointed. Insisting that there should be a sound reasoning in the case of the petitioner for disqualification, the petitioner's counsel sought for interference of this Court.

4.The learned Additional Advocate General agreeing that the petitioner belong to SC Community and that he had applied to the said recruitment under Sports quota and wards quota in his online application, submitted that based on his online application, he was provisionally allowed for the written examination. The mark of the last selected candidate for SC non-PSTM category under Sports



WP.(MD).No.2541 of 2024

quota is 52.50 and that of SC non-PSTM category under Wards (Executive) quota is 57. The petitioner had secured 55 marks in the written test, thereby qualifying for attending the certificate verification and physical test in the ratio of 1:5 under the SC Sports non-PSTM category alone. However, at the time of certificate verification by the Thoothukudi Subcommittee, the petitioner submitted Form-II Sports certificate for the event of Silambam issued by the Youth and Sports Development Association, Tamil Nadu. On the basis of the same, he was permitted for the subsequent stages I.e., physical test under Sports Quota. The petitioner had secured 15 marks in the physical test and got qualified for viva voce in the ratio of 1:2. The said petitioner appeared for viva voce at TNUSRB on 29.12.2023 and the copies of all his certificates were received. On completion of all the phases of recruitment, his certificate was forwarded to the Sports Development Association, Tamil Nadu along with that of the other candidates who had opted sports quota for the event of Silambam to verify the authenticity. However, the Sports Development Association, Tamil Nadu after verification informed that the said certificate is not valid to claim sports quota vide their office letter in RC No.13828/SE-2/2024 dated 04.01.2024. The Form-II Sports



WP.(MD).No.2541 of 2024

certificate produced by the petitioner has been issued by the Youth and Sports Development Association, Tamil Nadu and the same is not recognized by the Sports Development Association, Tamil Nadu. Under such circumstances, his category was changed from SC sports to SC wards category. Upon considering his candidature under SC wards quota, he did not secure the required marks to be called for certificate verification and physical test. The written test mark of the last selected candidate in the ratio of 1:5 under SC non-PSTM category for wards quota is 57 and this petitioner had scored only 55 marks in the written test, as a result of which he was not qualified for the further selection process. Since the petitioner was called for viva voce process only under the sports quota and since the certificate produced was not valid as per the Sports Development Association, Tamil Nadu, his viva voce marks was not included. Hence, though the marks of all the unselected were published on the TNUSRB website on 01.02.2024, the petitioner's viva voce marks was not disclosed. The non-selection of the petitioner in the recruitment is only due to the lesser marks secured by him under the SC non-PSTM category in the wards quota. Hence, the petitioner's prayer to permit him to participate in the further selection process is not maintainable and on that basis,



WP.(MD).No.2541 of 2024

he pressed for dismissal of the Writ Petition.

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5.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.

6.From the submissions of the respective parties, it has become clear that only because of the clarification letter in RC No. 13828/SE-2/2024 dated 04.01.2024 issued by the Sports Development Association, Tamil Nadu, clarifying that the Form II Sports certificate produced by the petitioner as issued by the Youth and Sports Development Association, Tamil Nadu, is not valid, the respondent Board was constrained to change the category of the petitioner from SC sports to SC wards. Unfortunately, having scored 55 marks in the written test, the petitioner was not able to come within the Zone of Consideration under the SC non-PSTM category under wards executive quota, for which the cutoff mark is 57.

7.In view of the same, the respondents are directed to provide a copy of the office letter in RC No.13828/SE-2/2024 dated



WP.(MD).No.2541 of 2024

04.01.2024 issued by the Sports Development Association, Tamil Nadu, stating that the Form II Sports certificate produced by the petitioner is invalid. On receipt of the same, the petitioner is at liberty to challenge the said certificate issued by the Sports Development Association, Tamil Nadu, dated 04.01.2024, if so advised.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.03.2024

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

To

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2. Tamil Nadu Uniformed Services Recruitment Board,
Rep. By its Member Secretary,
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8/9



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WP.(MD).No.2541 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.2541 of 2024

18.03.2024