



W.P.(MD)No.9037 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9037 of 2024

and

W.M.P(MD)Nos.8243, 8244 &8249 of 2024

P.Prabakaran

.. Petitioner

Vs.

1. The State of Tamilnadu,
through the Additional Chief Secretary,
(Home, Prohibition & Excise Department),
Secretariat, St.George Fort,
Chennai- 600 009.

2.The Member Secretary,
Tamilnadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chenna-600 008.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned candidates provisionally selected list for character and antecedents, verification and medical examination,



W.P.(MD)No.9037 of 2024

published on 29.01.2024 for Open/Department/Sports quota in connection with the selection process for the notification 01/2023 published on 05.05.2023 and addendum on 23.05.2023 issued by the 2nd respondent Direct recruitment for the posts of Sub-Inspector of Police-2023 (Taluk and Armed Reserve & Tamilnadu special police (men, women & Transgenders)-2023 & Direct recruitment for the posts of Station Officers, Fire & Rescue Services department (men&women)-2023, so far as under Open/Department/Sports quota category and quash the same as illegal and direct the 2nd respondent to appoint the petitioner in the vacancy arose in sports quota based on the communal reservation.

For Petitioner : Mt.G.Sakthi Rao

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.J.Ashok,
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned provisionally selected candidates list published on 29.01.2024 for Open/Department/Sports



W.P.(MD)No.9037 of 2024

quota in connection with the notification 01/2023 published on 05.05.2023 and addendum on 23.05.2023 issued by the 2nd respondent/Tamilnadu Uniformed Service Recruitment Board through Direct recruitment for the posts of Sub-Inspector of Police-2023 (Taluk and Armed Reserve & Tamilnadu special police (men, women & Transgenders)-2023 & Direct recruitment for the posts of Station Officers, Fire & Rescue Services department (men&women)-2023, in so far as Open/Department/Sports quota category and for a consequential direction to the 2nd respondent to appoint the petitioner in the vacancy arose in sports quota based on the communal reservation.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.G.Sakthi Rao, learned counsel appearing for the petitioner and Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.



W.P.(MD)No.9037 of 2024

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4. The second respondent issued a notification 01/2023 dated 05.05.2023 calling for applications for recruitment of Sub-Inspector of Police(Taluk, AR& TSP) and Station Officers, Fire & Rescue Services Department-2023 for the vacancy of 621 posts(615+6 backlog). There is 20% reservation for the department candidates. On 23.05.2023 addendum was issued by the 2nd respondent and additional vacancy was added for Tamil Nadu Fire Subordinate Service for the post of Station Officer. The petitioner applied as per the above Notification No.01/2023 issued by the Tamilnadu Uniformed Services Recruitment Board(TNUSRB) and in the written examination held on 26.08.2023, he had obtained 55.5 marks out of 70 and he had also attended physical endurance test and obtained 15 marks out of 15. Hence totally he got 70.5 marks out of 85 marks which was published by the 2nd respondent. Thereafter, the 2nd respondent published the provisionally selected candidate list on 27.12.2023 as per 1:2 ratio and called for viva-voce test on 07.11.2022 and including the viva-voce marks, the petitioner obtained 77.8 marks out of 100. The 2nd respondent published the final provisional list and the petitioner's name was not found in the list. As per notification No.01/2023, 10% of vacancy posts to be filled up from



W.P.(MD)No.9037 of 2024

sports quota. The grievance of the petitioner is that as per G.O.Ms.No. 1054 dated 13.07.1995, 80% of post will be filled up in the cadre of Sub Inspector of Police from open market and 20% from serving police personnel in all the three categories. Out of 80% posts to be filled up by direct recruitment, 10% will be filled under sports quota, but they selected only 49 candidates under sports quota. Hence, the petitioner filed this writ petition challenging the final selection list published on 29.01.2024 and addendum issued on the notification 01/2023 published on 05.05.2023 and for a further direction to the 2nd respondent to appoint the petitioner in the vacancy arose in sports quota based on the communal reservation.

4. However, Mr.Veerakathiravan, learned Additional Advocate General appearing for the respondents submitted that the selection process is over and final selected candidates list also published on 29.01.2024. He further submitted that as per the notification No.01/2023, total vacancy in the post of Sub Inspector of Police is 615+6(backlog), totally 621. Out of the total vacancy 80% only to be filled up by direct recruitment and 20% to be filled up from the serving Police personnel in



W.P.(MD)No.9037 of 2024

all the three categories. Out of the 80% of vacant posts, 10% only allotted to sports quota and it come to 49 vacancy. Thereafter addendum was published on 05.05.2023 for 129 posts of Station Officers of Fire and Rescue Service Department. The petitioner added the vacancy in the addendum notification published on 05.05.2023 and calculated the total vacancy as 750 and claimed 75 posts to be filled up from sports quota.

5. The petitioner applied for the original notification No.1 of 2023 dated 05.05.2023 for direct recruitment to the post of Sub Inspector of Police. Sofaras the addendum is concerned it is only in respect of the recruitment to the post of Station Officers of Fire and Rescue Services Department. Eventhough both the notifications were given by the second respondent Tamilnadu Uniformed Service Recruitment Board, Chennai, the Department in which vacancies were notified are different. The original notification dated 05.05.2023 is in respect of Sub Inspector of Police, but the addendum is in respect of the Fire Service Police Personnel. The petitioner has mixed up both the departments and added the vacancies and claimed that the total vacancy is 715 and as against which he is entitled to a post under sports quota.



W.P.(MD)No.9037 of 2024

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6. But in reality, the petitioner cannot add the post given in the addendum notification which is only in respect of the post available in the Fire and Rescue Service Department. The petitioner ought to have made a separate application for the post called for in the addendum notification, if he is eligible for the same. In the notification dated 05.05.2023, 20% departmental quota to be filled up only from and out of those Police Personnels who meet the eligibility criteria under Rule 14 of Tamilnadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 and Tamilnadu Special Police Subordinate Service Rules, 1978. Sofaras the addendum notification is concerned 20% departmental quota earmarked would only from the eligible personnel serving in the Fire and Rescue Services and who would meet the eligibility criteria as per G.O.Ms.No.234 Home (Police-XVII) Department dated 13.05.2023.

7. The petitioner without noticing the significant difference between the two notifications has come up with the wrong claim that the post called for in the addendum notification would also represent the vacancies for the police personnel and claimed 10% quota by adding



W.P.(MD)No.9037 of 2024

both the posts. Since this petition has been filed on a thorough misconception of facts, it is liable to be dismissed.

8. In the result, this writ petition is **dismissed**. No Costs.

Consequently, connected miscellaneous petitions are closed.

12.04.2024

NCC :yes/no
Index :yes/no
Internet:yes/no
PJJ

To

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(Home, Prohibition & Excise Department),
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Secretariat, St.George Fort,
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2.The Member Secretary,
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W.P.(MD)No.9037 of 2024

R.N.MANJULA, J.

PJL

W.P.(MD)No.9037 of 2024 and
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