



W.P.(MD).No.9148 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.(MD).No.9148 of 2024
and WMP(MD) Nos.8332 & 8334 of 2024

M.Veera

... Petitioner

Vs

1. The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 4.
2. The Chairman and Director General of Police,
Tamil Nadu Uniformed Service Recruitment Board(TNUSRB),
Egmore, Pantheon Road, Chennai - 8.
3. The Superintendent of Police,
Tamil Nadu Uniformed Service Recruitment Board(TNUSRB),
Egmore, Pantheon Road, Chennai - 8.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records and quashing the impugned order Na.Ka.No.R4/35/0405/2024, dated 13/2/2024 and consequently direct the 2nd and 3rd respondent to award 1/2 mark



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to the petitioner in the S.I. Selection for the year 2023 vide Notification No. 01/2023 bearing Registration No.4002225.

For Petitioners : Mr. K.Ravi Anantha Padmanathan
Senior Counsel
for Mr. A.R.Kannappan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General

Assisted by Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard Mr.K.Ravi Anantha Padmanathan, Senior Counsel for the petitioner and Mr.Veera Kathiravan, learned Additional Advocate General, for the respondents.

2.The petitioner, who is aggrieved due to the non awarding of $\frac{1}{2}$ mark for his participation in NSS Activity has filed this writ petition challenging the impugned order Na.Ka.No.R4/35/0405/2024, dated 13/2/2024 and consequently direct the 2nd and 3rd respondent to award $\frac{1}{2}$ mark to the petitioner in the S.I. Selection for the year 2023.



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3..The petitioner had applied to the post of Sub Inspector of Police for recruitment of the year 2023. Altogether the petitioner has secured 79.75 marks as his final score. The cut-off marks for M.B.C., for getting through the selection is 80.25. The petitioner has a shortage of $\frac{1}{2}$ mark to reach the cut-off. The petitioner had produced NSS Certificate showing his participation in regular activity such as AIDS Awareness Programme on 22.03.2022. However, he came to know that he was not awarded with any mark for the said participation and that is his grievance.

4.Mr.Ravi Anantha Pandian, learned Senior Counsel appearing for the petitioner submitted that one of the criteria for special marks for open candidates is their participation in NCC/NSS/Sports/Games either in regular activity or in State Special Camp. Despite the petitioner had produced the certificate for participation in NSS regular activity, the said aspect was not considered and because of that the petitioner had lost the precious opportunity of getting selected to the post.

5.However, the learned Additional Advocate General appearing for the respondents submitted that all those special marks meant for certain extra-



curricular activities as shown in the notification are being awarded only by the relevant expert/competent person and not by the Recruitment Board. It is clarified that the petitioner's certificate has been sent to the Educational Institution, where he has studied during the relevant point of time and also to the Ministry of Youth Affairs, Union of India for getting the validation. The concerned Authorities did not approve the entitlement of the petitioner to get mark for the certificate produced by him.

6. My attention was drawn to G.O.Ms.No.8 of Youth Welfare & Sports Development Department, dated 21.02.2022, wherein, it is stated that in order to get a 'A' / 'B' Grade Certificate, an NSS volunteer ought to have fulfilled the following criteria:

- 1. One should be on the roll of NSS for a continuous period of two academic years and he or she should have completed NSS work of 240 hours in two years under Regular activities.*
- 2. He/She should have participated at least in one special camp.*



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7.The petitioner who joined to Master of Social Work at Kalasalingam University has not completed the course. The petitioner had discontinued his studies, this was of the opinion that the petitioner is not eligible to receive any credit for NSS Certificate. The petitioner had attended only 3 months class in the said University and during that time he has participated only one day training programme. However, the letter sent by the Programme Co-ordinator of NSS, Kalasalingam University, it is clarified that one day AIDS programme comes under the regular activity. It is not the claim of the Programme Co-ordinator of NSS, Kalasalingam University or the Department of Youth Affairs that the petitioner did not participate in the AIDS Awareness Programme.

8.The learned Additional Advocate General submitted that the petitioner has not completed 240 hours of training as an NSS Volunteer within a continuous period of two years, as prescribed under G.O.Ms.No.8, dated 21.02.2022.

9.The rival submission of the petitioner is that the petitioner's claim is not for his entitlement for NSS Certificate. But his entitlement is for



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the mark to be awarded on his production of NSS Certificate. Hence, the petitioner ought not to have denied the ½ mark meant for the said activity.

10. At the outset, it has been clarified that G.O.Ms.No.8 of Youth Welfare & Sports Development Department, dated 21.02.2022 has been issued for the issuance of 'A' / 'B' Grade Certificates to NSS Volunteers in Schools/Polytechnics/Colleges for their admission to Higher Education Courses.

11. The purpose for which the petitioner has produced the NSS Certificate is in accordance with the notification for recruitment and is not for any admission in the Educational Institutions. It is not the claim of either of the respondents that the petitioner has produced any false certificate and that he has managed to get the certificate, despite he had not participated in any of the NSS activities. In fact, in the letter of College Authorities and in the counter of the respondents, it is clarified that the petitioner has participated in the AIDS Awareness Programme, which even according to them, is a regular activity. The petitioner does not claim 'A' or 'B' Grade certificate in accordance with



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G.O.Ms.No.8 of Youth Welfare & Sports Development Department, dated 21.02.2022, for the proposal to admission.

12.It might be the practice of the recruitment agent to get the service of Agencies like Union of India of Youth Affairs or the Educational Institutions for getting their opinion as to the genuineness of the certificate produced by the candidates. However, it is the recruitment agency, which has to consider the validation of the certificates produced by the candidates. In the notification, it has been simply stated that the awarding of $\frac{1}{2}$ mark is allowed, if the candidate is able to produce the evidence to show that he has participated in regular activities or State Special Camps. The petitioner himself did not claim that he had participated in 240 hours of training programme or that he had been in NSS Programme for two years.

13.Admittedly, the petitioner has discontinued his studies within a period of three months. But even within three months, he had shown his participation in some of the regular activity of NSS Programme and that has secured a Certificate of this nature. When the NSS Co-ordinator himself has certified of his participation in AIDS Awareness programme, which is



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sponsored by the National Service Scheme, there is no question of denial of entitlement of awarding of $\frac{1}{2}$ mark for the petitioner.

14.It is reiterated that it is not the case of the respondent that the certificate produced by the petitioner is not a genuine. It is neither so, the case of the petitioner's College Authorities nor the Welfare Affairs of Union of India. If the authorities concerned is not satisfied about the requirement for issuance of certificate, it would have been appropriate not to issue certificate for participation. Having granted the certificate for participation and having declared that such participation in regular activities or State Special Camps would entitle the candidate $\frac{1}{2}$ mark to be added, it is unfair on the part of the respondents to deny the same on the basis of G.O.Ms.No.8, which is issued for securing admission in the Higher Educational Institutions and for securing 'A'/'B' Grade certificates. Since the petitioner has produced the certificate for participation in regular activity and the genuineness of which is also not denied by the respondents, in all fairness, the petitioner is entitled for $\frac{1}{2}$ mark as meant for the same.



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15.In view of the above stated reasons, this writ petition is allowed and the impugned order Na.Ka.No.R4/35/0405/2024, dated 13.02.2024 is hereby quashed and the 2nd and 3rd respondents are directed to award ½ mark to the petitioner and include him as one of the selected candidate for S.I. Selection for the year 2023 and issue an order to that effect within a period of two weeks from the date of receipt of copy of the order. If all other consequential steps at the end of the petitioner is taken as early as possible, that can help the petitioner to join training along with the other selectees, if he is otherwise found suitable for the same. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.06.2024

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

Note: Issue order copy on 07.06.2024

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To

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