



W.P.(MD)No.1238 of 2023

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DATED: 25.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.1238 of 2023

and

W.M.P.(MD)No.1147 of 2023

S.Kishore

: Petitioner

Vs.

The Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Chennai.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned reply issued by the respondent in Na.Ka.No.R4/416/4679/2022 dated 07.12.2022 and to quash the same as illegal and arbitrary and consequently allot a vacant post in the SC category to the petitioner herein.

For Petitioner : Mr.A.Joseph Jerry

For Respondent : Mr.Veera Kathiravan,
Additional Advocate General – II,
Assisted by Mr.A.Baskaran,
Additional Government Pleader



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W.P.(MD)No.1238 of 2023

ORDER

This Writ Petition has been filed challenging the impugned reply dated 07.12.2022, rejecting the petitioner's request to be appointed for the post of Sub-Inspector of Police under the SC category.

2.The petitioner claims that a candidate by name L.Raja who has secured lesser mark than him in the examination conducted pursuant to the recruitment notification has been selected in the provisional selection list declared by the respondents for the post of Sub-Inspector of Police. Hence, according to the petitioner, the selection of L.Raja is impermissible and illegal. Therefore, he made a representation to the respondents to select him for the post of Sub-Inspector of Police under the SC category, which has been rejected under the impugned reply dated 07.12.2022. The petitioner in the affidavit filed in support of this Writ Petition has given details of the marks secured by him as well as L.Raja, the selected candidate.

3.On the other hand, a counter affidavit has been filed by the respondent and a comparison chart has been furnished in paragraph No.6 of the counter affidavit giving comparison of the



W.P.(MD)No.1238 of 2023

marks secured by the petitioner and L.Raja and the same is reproduced hereunder:

	Mark of the petitioner S.Kishore (SC-Non PSTM category)	Mark of L.Raja (SC-PSTM Category)	Mark of last selected candidate (Open Quota)	Mark of last selected candidate (Sports Quota)
Written Test Marks	51.00	55.00	54.00	50.50
PET marks	15.00	09.00	--	--
Viva-Voce Marks	05.75	06.00	--	--
Special Marks	01.50	01.50	--	--
Total Marks	73.25	71.50	71.00	76.00

4.The respondents have also stated that with regard to the petitioner's grievance, during derivation of final provisional selection list, the vacancies under open quota SC women category were not filled due to the non-availability of SC women as well as men candidates. Further, the excess candidates under sports quota belonging to SC category who fulfilled the criteria for open quota at the stage of written test in the ratio 1:5 were considered to fill the unfilled vacancies of women in the open quota and were placed appropriately.



W.P.(MD)No.1238 of 2023

WEB COPY

5.The respondents have also clarified that though L.Raja has secured lesser marks than S.Kishore, the petitioner herein, L.Raja became eligible to be placed in the unfilled vacancy of SC women category based on his written test mark namely merit list of excess Sports candidates. Based on his eligibility, L.Raja's category was changed from Sports to General at the stage of final provisional selection list and was placed under open SC women category as no eligible SC women candidates were available. Therefore, according to the respondents, L.Raja had fulfilled the criteria for open quota and was preferred over the petitioner herein. The respondents categorically state that they had not committed any illegality or arbitrariness in finalising the selection process.

6.The respondents have also stated that L.Raja had applied under SC-PSTM category whereas the petitioner S.Kishore applied in SC-Non-PSTM category, though both had applied under the Sports quota. The respondents have also stated that though the petitioner has sought to consider him for the two unfilled vacancies under SC – open category in Sl.No.306 and 312 in the final provisional selection list, even after consideration of unselected Sports candidates to fill the unfilled vacancies in the open quota, there were no eligible



W.P.(MD)No.1238 of 2023

candidates to fill the vacancies under SC open category fulfilling the norms of open category. According to the respondents, the Tamil Nadu uniformed services recruitment board had considered all the unselected candidates under SC category to fill up the vacancies as per merit. According to them, the petitioner did not fulfill the criteria for open quota and hence, he was not selected under the said vacancies. According to the respondents, the non-selection of the petitioner under the Sports quota is based on the lesser marks secured by him in the final provisional selection list and under that of open category is based on the lesser marks secured by him in the written test.

7.This matter came up for hearing before me on three occasions:

a) first on 23.10.2025, when there was no representation on the side of the petitioner;

b) then on 14.11.2025, when once again there was no representation on the side of the petitioner. Therefore, this Court had directed the registry to post the matter under the caption “for dismissal” on 19.11.2025;



W.P.(MD)No.1238 of 2023

WEB COPY

c) on 19.11.2025 when the matter was listed under the caption “for dismissal”, learned Counsel for the petitioner was present but he sought further time to get instructions. Since the matter was already listed under the caption “for dismissal”, this Court had directed the registry to list the matter once again under the caption “for dismissal” on 20.11.2025;

d) on 20.11.2025, learned Counsel for the petitioner represented before this Court that he has received oral instructions from the petitioner for withdrawing this Writ Petition. Therefore, he sought time to get written instructions for withdrawal. Only at the behest of the learned Counsel for the petitioner, the matter was adjourned from 20.11.2025 to this date [25.11.2025] and the matter is listed under the caption “for withdrawal” today.

8.Today, learned Counsel who is the new Counsel for the petitioner once again seeks a short adjournment and he would submit that the petitioner is now not interested in withdrawing this Writ Petition.



W.P.(MD)No.1238 of 2023

9. Learned Additional Government Pleader appearing for the respondents would reiterate the contents of the counter filed by the respondents before this Court as stated supra. He would also submit that the entire selection process is over and the person selected have already been appointed and therefore, this Writ Petition has now become infructuous.

10. As seen from the counter affidavit filed before this Court which has been extracted supra, only by following due procedure as per the recruitment notification, meritorious and eligible candidates have been selected to the post of Sub-Inspector of Police. Though the petitioner has secured higher marks than that of L.Raja, whom the petitioner claims has been arbitrarily and illegally selected, said L.Raja has applied under SC-PSTM category, whereas the petitioner has applied for the post under SC – Non-PSTM category. The respondents have also clarified through their counter that though L.Raja had secured lesser mark than S.Kishore [petitioner], L.Raja became eligible to be placed in the unfilled vacancy of SC women category based on his eligibility, namely merit list of excess Sports candidates. They have also clarified that based on L.Raja's eligibility his category was changed from Sports to General at the stage of final provisional selection list and was placed under open SC women



W.P.(MD)No.1238 of 2023

category as no eligible SC women candidates were available. As observed earlier, L.Raja belongs to PSTM category, whereas, the petitioner belongs to non-PSTM category. Admittedly, the petitioner has secured lesser marks than L.Raja in the written test and therefore, he was not eligible to be considered under open quota for allowing him for Physical Efficiency Test itself. The explanation given by the respondents through their counter affidavit which have not been rebutted by the petitioner by way of a rejoinder has to be accepted by this Court. The entire selection process got over in the year 2023 itself and the persons selected have already been issued appointment orders and they have also taken charge of their respective posts. There is no evidence placed on record by the petitioner to prove that there is arbitrariness in the selection process.

11.For the foregoing reasons, this Court does not find any merit in this Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.11.2025

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



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W.P.(MD)No.1238 of 2023

To
The Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Chennai.



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W.P.(MD)No.1238 of 2023

ABDUL QUDDHOSE., J.

MR

W.P.(MD)No.1238 of 2023

25.11.2025