

(2013) 08 MAD CK 0054

In the Madras High Court

Case No : Writ Petition No. 32839 of 2013, M.P. No's. 1 and 2 of 2012 and M.P. No. 1 of 2013

G. Parthiban

APPELLANT

Vs

The Secretary, Tamil Nadu Uniformed Service Recruitment Board

RESPONDENT

Date of Decision : 23-08-2013

Acts Referred:

Citation : (2013) 08 MAD CK 0054

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : G. Ananda Kumar, for the Appellant; V. Jayaprakash Narayanan, for the Respondent

Final Decision : Allowed

Judgement

D. Hariparanthaman, J.—The petitioner was a candidate for the recruitment of Grade II Police Constable (M & W), Grade II Jail Warders

(M) and Firemen for the year 2012. He was called for the selection process. The following marks are awarded in the selection process:

2. The petitioner belongs to M.B.C. Community and the cut off marks for M.B.C. Candidates for Armed Reserve, Tamil Nadu Special Police, Jail

Warden and Firemen are as follows:

3. The petitioner had secured 66 marks. He was not selected for the post. He made a representation on 20.11.2012 stating that he was not

granted 5 marks for NCC and NSS certificates though he enclosed the said certificates. Since no order is passed thereon, he filed this writ petition

to quash the order dated 11.12.2012 and to direct the respondent to award special marks to the petitioner by considering his representation

dated 20.11.2012.

4. A counter affidavit is filed by the respondent. Paragraph 8 of the counter-affidavit is relevant and the same is extracted hereunder:

8. It is submitted that on perusal of his application in the initial stage, it was found that he has enclosed the copy of NCC Certificate and the same has been recorded in his coding sheet. But, on perusing the records received from the Villupuram Centre, it has been noticed that his name was not included in the List of NCC particulars. Hence, the petitioner was not awarded any marks for the NCC "C" Certificate.

5. In paragraph 8 of the counter-affidavit, it is stated that the petitioner enclosed the copy of the NCC Certificate along with the application and the same was recorded in coding sheet. Later, his name was not included in the List of NCC particulars, for which, the petitioner cannot be faulted.

The non-selection of the petitioner is due to the mistake committed by the respondent.

6. If five marks for NCC Certificate is awarded to him, he can secure 71 marks and therefore, he is eligible for appointment to the post of Police

Constable in TSP or Jail Warden or Firemen Grade II. Hence, the writ petitioner is entitled to succeed. In the circumstances, the writ petition is

allowed and a direction is issued to the respondent to award 5 marks to the petitioner for NCC Certificate and select and appoint him to any one

of the three posts mentioned above within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently,

connected miscellaneous petitions are closed.