

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mrs. Justice PUSHPA SATHYANARAYANA

Writ Petition Nos.17204, 23462 and 24909 of 2015
and M.P. Nos. 1 and 2 of 2015

M. Janarthanam ... Petitioner in W.P.17204/15
J. Venkatesan ... Petitioner in W.P.23462/15
S. Sakthivel ... Petitioner in W.P.24909/15

vs.

The Secretary to Government
Home (Police II) Department
Fort St. George, Chennai-9.

The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai - 4. ... Respondents 1 & 2 in
W.P.Nos.23462 & 24909/15

The Member Secretary
Tamil Nadu Uniform Services
Recruitment Board
807, Second Floor, Anna Salai
Chennai 600 002. ... Respondent in W.P.17204
& R3 in W.P.Nos.23462 &
24909/2015.

PRAYER: Writ Petition No. 17204 of 2015 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to conduct re-examination for the Recruitment of Sub Inspector of Police Taluk (Men & Women - 2015) under Departmental Quota held at Anna University, Kotturpuram, Chennai-18 on 24.05.2015 or award grace marks due to the failure in allocating seat to the petitioner at the Examination Venue and 20 minutes delay caused in writing the Examination.

Writ Petition Nos. 23462 and 24909 of 2015 filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in connection with the impugned orders passed by them dated 18.07.2015 (Enrolment Nos. 5151001 and 5151002) and quash the same and direct the respondents to conduct re-examination for the petitioners for recruitment to the post of Sub-Inspector Taluk (Men & Women) for the year 2015 under departmental quota or in the alternative award grace marks due to the failure to allot seat to the petitioners in the examination venue and further direct the respondents to permit the petitioners to participate in the remaining stage of the selection.

For Petitioner : Mr. G. Karthikeyan
(WP.17204/2015)
For Petitioners: Mr. K. Venkataramani, Sr. Counsel
(WP.Nos.23462 for Mr. M. Muthappan
& 24909/2015)
For Respondents: Mr. P.H. Aravind Pandian
Additional Advocate General
assisted by Mr. S.T.S. Murthi
Govt. Pleader.

COMMON ORDER

(Made by The Hon'ble The Chief Justice)

A Notification was published on 08.02.2015 for recruitment of Sub Inspector of Police. The objective type examination was held on 24.05.2015 and such of the candidates who would have qualified and were above the cut-off would be called for the Physical Endurance Test. Similarly post Physical Endurance Test, the Viva Voce would be held, where a candidate came within the zone of consideration.

2. The candidates, who are petitioners before us, produced their "No Objection Certificates" from the department belatedly and in pursuance to the directions issued by the Court, were issued roll numbers. It is their case that since their hall tickets were issued only two days before the examination, there was some confusion at their Centre at Anna University, Kotturpuram in the examination held on 24.05.2015, inasmuch as they reported on time at 9.30 a.m., but apparently, no arrangements had been made for their taking the examination. It is pleaded by them that it is only at 10.20 a.m. in a different adjacent building that they were permitted to take the examination, which was to commence at 10.00 a.m. Their plea, thus, is that they were disadvantageous in terms of not having the benefit of firstly, the period of 15 minutes plus 15 minutes from 9.30 to 10.00 a.m. for completing the formalities and for reading the question paper and secondly, they were allowed

beyond 20 minutes to take the examination, which was to conclude at 1.00 p.m.

3. The common counter affidavit filed in these matters seek to deny the aforesaid allegations. In this context, it has been stated that the first time a representation was made by the petitioners was on 01.06.2015, after the key answers had been published on 28.05.2015. Thus, the plea is that having realised that they had answered the questions wrongly, the representation was made, as an after thought, as otherwise the representation would have been made at the examination centre or at best, the next day.

4. Learned Additional Advocate General has produced before us the report of the Deputy Commissioner of Police, who has looked into the matter after recording a statement from the Officer deputed at the site to conduct the examination, which belies the stand of the petitioners.

5. Learned counsel for the petitioners did point out to us that the marking of these candidates at the examination hall was done in a different manner, as it is not in the printed format paper, but in a hand written paper. In this behalf, learned Additional Advocate General submits that wherever candidates are permitted late, including under directions of the Court, such a procedure had to be followed as of necessity.

6. To our mind, the most important aspect is that it is not as if the petitioners failed to complete the paper. It has been pointed out to us that all the petitioners completed the papers, having marked the relevant answers upto the last question, though one of the candidates had left some questions unanswered intermittently. In this behalf, it may be noticed that these petitioners belong to different categories and thus, the cut-offs are different, which are as under:

Writ Petition No.	Name	Community	Written Test Marks obtained	Cut-off marks
17204 2015	of M. Janarthanam	SC	41.50	57
24909 2015	of S. Sakthivel	MBC	42.50	59.50
23462 2015	of J. Venkatesan	BC	27.50	60.50

7. The aforesaid shows that all the candidates are well below the cut-off and it is not as if they missed the cut-off by a mark or two.

8. We are unable to accept the plea that fresh examination should be held for these candidates or that such a large number of grace marks are to be given so as to make them eligible for the next stage.

9. In one of the cases in Writ Petition No.24909 of 2015, the candidate S.Sakthivel had filed an earlier petition to consider him under the category of person who had studied in Tamil Medium quota vide writ petition No.23109 of 2015 and in that case, the plea of having given lesser time to complete the examination was not raised and that is being raised now for the first time.

10. In the conspectus of the aforesaid facts, taking into consideration especially the stand in the counter affidavit, which is quite categorical, we are of the view that the petitioners are not entitled to the benefit of a fresh separate examination.

11. Thus, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ATR

Copies;

1. The Secretary to Government
Home (Police II) Department
Fort St. George, Chennai-9.

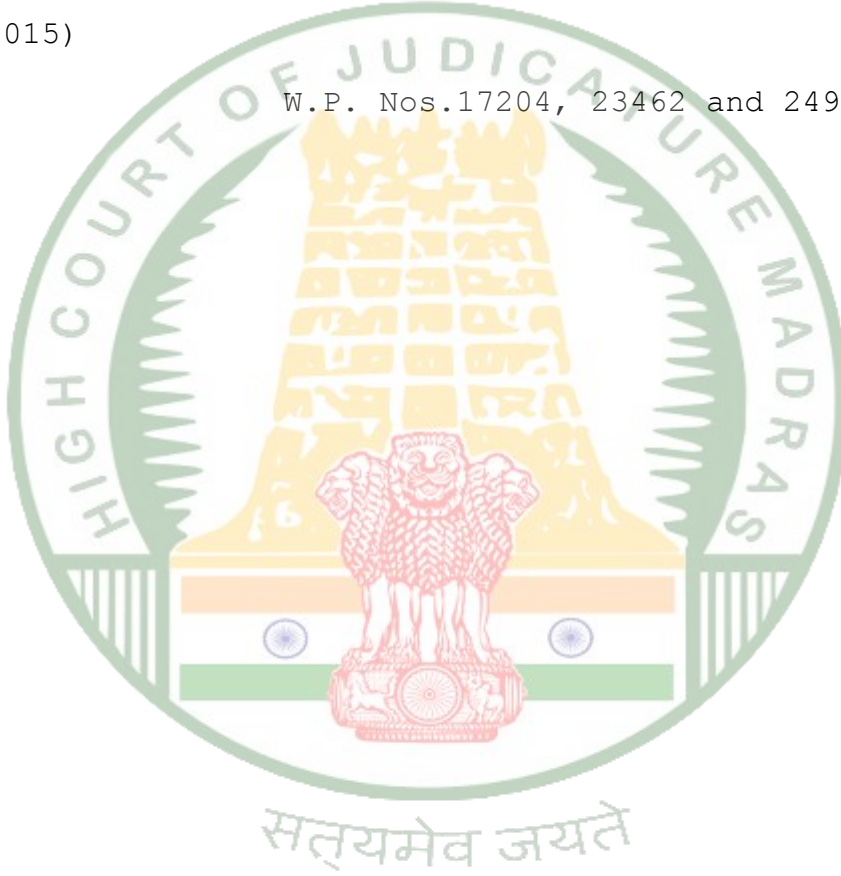
2. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai - 4.

3. The Member Secretary
Tamil Nadu Uniform Services
Recruitment Board
807, Second Floor, Anna Salai
Chennai 600 002.

+1cc to Mr.G. Karthikeyan, Advocate, S.R.No.55421
+1cc to Mr.M.Muthappan, Advocate, S.R.No.55531
+1cc to the Government Pleader, S.R.No.55114

EV(CO)
EU(20/10/2015)

W.P. Nos.17204, 23462 and 24909 of 2015



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