

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

Review Application No.37of 2011
in W.A.No.178 of 2009

K.Pandurangan

.. Applicant

-VS-

The Commissioner of Police,
Egmore, Chennai.

.. Respondent

Review Application filed under Order 47 Rules 1 and 2 read with Section 11 of C.P.C., to review the judgment dated 22.04.2009 in W.A.No.178 of 2009 in W.P.No.16539 of 2005 on the file of this Court.

For Applicant : Mr.K.Mohanamurali

For Respondent : Mr.S.T.S.Moorthy, Govt. Pleader

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We find no error apparent on the face of record so as to exercise review jurisdiction in respect of the order passed in the writ appeal on 22.04.2009 setting aside the order of the learned Single Judge.

2.The rationale permeating the order of which review is sought is: The review applicant / respondent undisputedly did not participate in the first selection process and the reason why he was not permitted to do so has been set out, i.e. a criminal case was pending against him at the relevant stage of time. However, in the second process, similarly situated persons were so permitted and so was the applicant. He still did not obtain the relevant cut-off marks, but on a re-calculation after scrutiny of papers carried out by the learned Single Judge, it was found that the applicant had sufficient marks to meet the cut-off for the first selection process, but still did not meet the benchmark for the second selection process.

3.The applicant wants the cut-off marks for the first selection process to be applied to the second selection process, which has not found feasible and in our view, rightly so. We may add that it was not the case of the applicant being excluded erroneously or mistakenly, but the applicant was deliberately not permitted to participate in the first selection process on account of the criminal case pending against him. Since such a restriction was waived in the second selection process, other candidates as well as the applicant were permitted to participate. It is the cut-off of the second selection process, which would be applicable.

4.We are informed that in subsequent period of time, the applicant has already been promoted.

5.Review Application is, thus, dismissed. No costs.

(S.K.K., CJ.) (M.M.S, J.)
19.01.2015

Index : Yes/No
Internet : Yes/No

sra

The Hon'ble Chief Justice
and
M.M.Sundresh, J.

(sra)

Rev.Appl.No.37 of 2011
in W.A.No.178 of 2009

19.01.2015