

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.23511 to 23515 of 2015

M.Karthik	...Petitioner in W.P.No.23511 of 2015
K.Suresh	...Petitioner in W.P.No.23512 of 2015
G.Bharathi	...Petitioner in W.P.No.23513 of 2015
S.Immaculate	...Petitioner in W.P.No.23514 of 2015
C.Arulkumar	...Petitioner in W.P.No.23515 of 2015

Versus

- 1.Government of Tamil Nadu
represented by Secretary to Government
Home (Police IV) Department,
Secretariat, Chennai 600 009.
 - 2.The Director General of Police/Chairman
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai 2.
 - 3.The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
- ... Respondents in all W.Ps.

Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the second respondent to provide the suitable marks to the petitioner in view of the petitioners' affidavits and representations dated 27.07.2015, 27.07.2015, 28.07.2015, 28.07.2015 and 30.07.2015 respectively.

For Petitioners : Mr.N.G.R.Prasad
for M/s.Row and Reddy in all WPs

For Respondents : Mr.P.H.Aravindhpanidan
Additional Advocate General
assisted by
Mr.V.R.Kamalanathan AGP
for R.1 to R.3 in all WPs

O R D E R

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

A Notification was published on 08.08.2015 for recruitment of Sub-Inspectors. The five petitioners before us were all department candidates, but applied for participation in the examination and took the written test. None of the five qualified.

2. The petitioners have approached this Court alleging that the key answers to some of the questions are not correct which is depriving them of the opportunity to be recruited.

3. We may note that in the scheme of things, once the written examination was held on 23.05.2015 for open candidates and on 24.05.2015 for departmental candidates, the results were posted on 28.05.2015. A window of one week's time was available - up to 05.06.2015 to make any representation based on the provisional key answers. In the writ petition, no averment has been made that a representation was sent within this window of one week, but it is only subsequently, apparently on an objection of the respondent, that additional typed set of documents were filed, including a copy of the purported representation dated 04.06.2015 of the first petitioner Mr.Karthik alone. The averments and the materials in the original petition were referred to in the representation made towards the latter part of July, 2015 by different candidates on different dates - way beyond time.

4. It may be noted that once objections are raised within the window period of one week, they are examined by a team of experts, which results in publication of the final key answers, which were published on 18.07.2015. Thus, the representations were made well after the final key answers list was published.

5. Insofar as the first petitioner before us is concerned, we find it difficult to accept that a representation was made on 04.06.2015. If it was so, it would have formed part of the averments in the writ

petition. The subsequent representation of July, 2015 also does not refer to any earlier representation. Not only that, while the July, 2015 representations have been sent under speed post, the alleged first representation of 04.06.2015 claims to have been handed over in person without any acknowledgment. Even if this representation is perused, the hand writing between the two representations is different, as also the signature.

6. The conclusion thus which has to be reached is that to get over the objection of the respondent of not having made a representation within the window period, the first petitioner appears to have made an endeavour to create a document in support of his case, which we strongly condemn, but leave it at that.

7. Insofar as the other aspects common to the petitioners are concerned, once the representation is not made within the window of one week, such opportunity being available, the petitioners cannot be permitted to rake up this issue belatedly. We have dealt with similar cases including W.P.Nos.28229 to 28233 of 2015 insofar as the objections to questions are concerned.

8. Learned Additional Advocate General has referred to the counter affidavit to substantiate that even if the objections would have been raised in time, it would have been of no avail in the given facts of the case. This is so, as the petitioners alleged that the key answers given by the Board are defective in respect of booklet 'C-Series' - Question Nos.3, 7, 53 and 121. In this behalf, it is stated that the petitioners were awarded marks for all the above four questions. Petitioner No.1 was awarded marks for the above four questions, as he had answered it correctly, except question No.53, where the key answer shown in the affidavit in fact is not even one of the options given in the question paper.

9. Insofar as the representations made in the end of July, 2015 are concerned, the key answers are doubted in respect of question Nos.62,64,164 in booklet - C. It is affirmed that all these key answers are correct and thus, the request of the petitioners cannot be entertained.

10. It may be noticed that one of the controversies is in respect of Question No.64 - whether the correct answer was option 'a' or 'b', which refers to Form No.91 and Form No.88 respectively. In this behalf, it is stated by the learned Additional Advocate General that the correct answer is Form No.91 and this aspect has been verified. It is stated that confusion has arisen as unfortunately in some of

the books which are privately published to assist candidates mistakenly, the correct form has been printed, but referred to as Form-88. That is stated to be the reason why number of candidates have committed a mistake and this aspect has been verified from the gazette notifications. It is also stated that the petitioners as departmental candidates, certainly cannot complain about this as this re-affirms to deal with it in their working process.

11. In view of the aforesaid position, no ground is made out to interfere under Article 226 of the Constitution of India to make the candidates eligible, albeit they have been unsuccessful by close margins - a natural result where more than 1,85,000 candidates sat in the examination for 10,786 posts and about 15,800 candidates qualified in the written test.

12. The writ petitions are dismissed accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Secretary, Government of Tamil Nadu
Home (Police IV) Department,
Secretariat, Chennai 600 009.

2.The Director General of Police/Chairman
TamilNadu Uniformed Services Recruitment Board,
Anna Salai, Chennai 2.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

+1cc to M/s.Row & Reddy, Advocate, S.R.No.51313

+1cc to the Government Pleader, S.R.No.50785

W.P.Nos.23511 to 23515 of 2015

CNR(CO)
CA(09/10/2015)