

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.28229 to 28233 of 2015
and
M.P.No. 1 to 2 of 2015

A.Munivel ...Petitioner in W.P.No.28229 of 2015
T.K.Kumaran ...Petitioner in W.P.No.28230 of 2015
S.Shunmugam ...Petitioner in W.P.No.28231 of 2015
M.Arun Prasath ...Petitioner in W.P.No.28232 of 2015
R.Senthilkumar ...Petitioner in W.P.No.28233 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
TamilNadu 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 issuance of a writ of Mandamus, directing the second respondent to provide the suitable marks to the petitioner in view of the petitioners' affidavits and representation's dated 27.08.2015, 13.08.2015, 25.08.2015, 27.08.2015 and 29.07.2015 respectively.

For Petitioner : Mr.A.Esakkiappan
(For Petitioner in all WPs)

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

C O M M O N O R D E R

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

The petitioners are already in service as Grade-I, Police Constables and in pursuance to the notification dated 08.02.2015 for selection of Sub Inspector of Police, they applied under the category of direct recruitment. The petitioners appeared in Tamil written test on 24.05.2015 and the results were published on 18.07.2015. The petitioners however failed to obtain the requisite marks to participate in the physical endurance test as the cut-off was 57 (SC General Category), 60.5 (BC General Category), 59.5 (MBC General Category), but the petitioners obtained 56.5 as against 57, 59.5 against 60.5, 54 against 56.5, 55 against 59.5 and 53 as against 60.5 respectively.

2. The grievance which the petitioners now seek to make is that there were certain wrong key answers and that they are entitled to additional marks.

3. The learned Additional Advocate General states that the key answers were published on 28.05.2015 and thereafter giving one week's time to make any objection, the second key answers were published on 18.07.2015. The petitioners did not make any representation when the opportunity was granted initially.

4. On completion of the written examination, endurance tests were held on 3rd, 4th, and 5th of August, 2015 and Viva-voce has begun from 3rd September, 2015. It is only on 27.08.2015, 13.08.2015, 25.08.2015, 27.08.2015 and 29.07.2015 respectively, the petitioners have made representations.

5. The aforesaid shows that there is failure to take advantage of the opportunity given to object to the key answers and now when the third stage has begun, the representations were made after even the physical endurance tests were completed. In such matters of examination, delay and laches would be fatal. In fact, we have adopted a consistent practise in this behalf and we had passed order on 07.09.2015 in W.P.No.25123 of 2015.

6. Thus the writ petitions suffer from delay and laches and are dismissed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//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, सत्यमेव जयते
Mylapore, Chennai 600 004.

5 CCs to Mr.A.Esakkiappan, Advocate SR.No. 48869

1 CC to the Government Pleader, SR.No. 48828

W.P.Nos.28229 to 28233 of 2015

GR (CO)
PSI (29.09.2015)