

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM :

THE HON'BLE MR.SANJAY KISHAN KAUL, THE CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No.34213 of 2015
and M.P.Nos.1 and 2 of 2015

K.Kannan

... Petitioner

-vs-

1. The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600004
3. The Chairman,
T.N. Uniformed Services Recruitment
Board, Anna Salai, Chennai 600002
4. The Member Secretary,
T.N. Uniformed Services Recruitment
Board, Anna Salai, Chennai 600002

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in connection with the impugned order passed by him dated 21.08.15 (roll No.7400882) and quash the same and direct the respondents to grant one mark to the petitioner based on the correct key answer 'D' for question No.138, 'B Type' and further direct the respondents to permit the petitioner to participate in the subsequent stage of selection and consequently select and appoint the petitioner as Sub-Inspector of Police under the departmental quota and grant him all service benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
For Mr.M.Muthappan

For Respondent : Mr.P.H.Aravindh Pandian
Additional Advocate General,
assisted by Mr.S.T.S.Murthi,
Government Pleader, and
Mr.V.R.Kamalanathan,
Additional Government Pleader

O R D E R

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

The petitioner participated in the examination process conducted for recruitment of Sub-Inspectors, for which the notification was issued on 08.02.2015. The examination was held on 24.05.2015 and the preliminary key answers were published on 28.05.2015. The petitioner did not have a grievance with the same. It appears that some other candidates objected to question No.138 in 'B' series and the request of those candidates was accepted and the final key answers were published on 18.07.2015. Thus, the grievance of the petitioner arose as on that date.

2.The petitioner did not object to the change nor approached the Court, but let the result be declared on 18.07.2015 and thereafter, went to the next stage of the Physical Endurance Test. He cleared the Physical Endurance Test also on 21.08.2015, but unfortunately did not make it to the last stage of Viva Voce, as he did not fall within the ratio of 2 : 1 - the basis on which the interviews are called for.

3.On our query, learned senior counsel for the petitioner concedes that the representation has been sent only on 24.10.2015, no copy of which has been filed. The Viva Voce examination already stands completed on 16.10.2015.

4.In view of the aforesaid position, we cannot make an exception in the case of the petitioner merely on the ground that he needs half more mark to make the cut-off. There are many candidates who have lost by fraction to make it to the next stage and the petitioner obviously accepted the final key

answer, but faced with the situation of not being called for the Viva Voce, now belatedly seeks to raise the issue of the final key answer to question No.138 of 'B' series.

5.It is trite to say, in matters of examination where the process goes from one stage to the other, the petitioner must invoke the jurisdiction expeditiously, while in the present case it is clearly an after-thought, after the examination process is over.

6.We are, thus, unable to accept the plea of the petitioner.

7.Writ Petition stands dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2015 also stand dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

sra

Sub Assistant Registrar

To

1. The Secretary to Government,
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2. The Director General of Police,
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4. The Member Secretary,
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Board, Anna Salai, Chennai 600002

+1cc to the Government Pleader, S.R.No.58780

W.P.No.34213 of 2015

RSK(CO)
CA(03/11/2015)