

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.39654 of 2015

K.Sasikumar

.. Petitioner

-vs-

1.Government of Tamil Nadu

Rep. By Secretary to Govt.,
Home (Police IV) Dept.,
Secretariat, Chennai.

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

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

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent relating to issue of final key answers published by the 2nd respondent in the website of the 2nd respondent on 18.07.2015, and quash the same, and consequently direct the respondent to revise the key answers and consequently to evaluate the answer sheets of all the candidates based on the correct key answers, viz., especially the key answers for Question Nos.21 and 138 as approved by this Court in their orders dated 03.11.2015 and to revise the select list accordingly to consider the petitioner for the selection for the post of Sub-Inspector under 3rd respondent and further to direct the respondents to publish the selection list with communal reservation disclosing therein the marks obtained in the written and oral tests separately.

For Petitioner : Mr.N.Subramaniyan
for Mr.S.S.Madhavan

For Respondents : Mr.P.H.Aravind Pandian,
Addl. Adv. General, assisted by
Mr.S.T.S.Murthi, Govt. Pleader,
& Mr.V.R.Kamalanathan, Addl.G.P.

O R D E R

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

The petitioner, an in-house candidate, applied for recruitment as a Sub-Inspector in pursuance to the notification dated 08.02.2015. In terms of the scheme of the examination, post the examination held on 24.05.2015, the tentative key answers were published on 28.05.2015 giving a window to the candidates to make their objections upto 04.06.2015. The final key answers were published on 18.07.2015.

2.The petitioner made a representation on 03.06.2015 for correction of some answers and his request qua 3 of the questions was accepted out of 5.

3.After the results were declared, where the selection was based on 1 : 5 ratio considering that more than 1,85,000 candidates participated in the process of selection of 1078 candidates, the next stage was of Physical Endurance Test, whereafter, in a 1 : 2 ratio, people were called for the Viva Voce. The Viva Voce was completed and the final list of selected candidates stands published on 14.11.2015.

4.In this interregnum period of time, various candidates came before the Court at various stages making grievances qua that stage. The general principle adopted by this Court was that the candidate must come at the relevant stage of time as otherwise the exam process would never get over. It is in this process that another candidate filed Writ Petition No.27016 of 2015 making a grievance qua question No.138 (=83 in that petition) and that request was acceded to in terms of order dated 03.11.2015.

5.Now the petitioner has approached this Court for the first time at this stage stating that since the benefit of that question was given to the other candidates, on parity he must also be entitled to the benefit. We are not inclined to accept the request. We have explained the system above whereby candidates qualifying only at a particular stage could go to the

next stage. The grievance / cause of action would arise at that time and in matters of examination, we cannot expect a candidate to sleep over his/her rights and must act promptly. What has transpired in the present case is that the petitioner has gone through all the stages and claims that he would have been entitled to be in the list but for the fact that despite obtaining the last set of minimum marks on which parameters another candidate has got the benefit, the petitioner lost out as the other candidate was older. The petitioner now seeks to go backward to somehow getting into the list and in that process, seeks to raise the issue that he is entitled half a mark for question No.138 and another half a mark for question No.21.

6.We are of the view that such a request cannot be permitted once the examination process is over and the cause for the petitioner to approach this Court arose when the final key answers list was published on 18.07.2015. We are, thus, not inclined to accept the request of the petitioner.

7.The petitioner, towards the object of somehow getting in the list, states that the entire selection list with communal reservation and the marks scored in the written test as well as in Viva Voce should have been published to facilitate him to locate some candidate or the other so that he could displace that candidate. He, thus, claims that this raises suspicions and it is not transparent. As to whether such a list can be published or not, the respondents may examine.

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

sd/-

Assistant Registrar(Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamil Nadu
Home (Police IV) Dept.,
Secretariat, Chennai.

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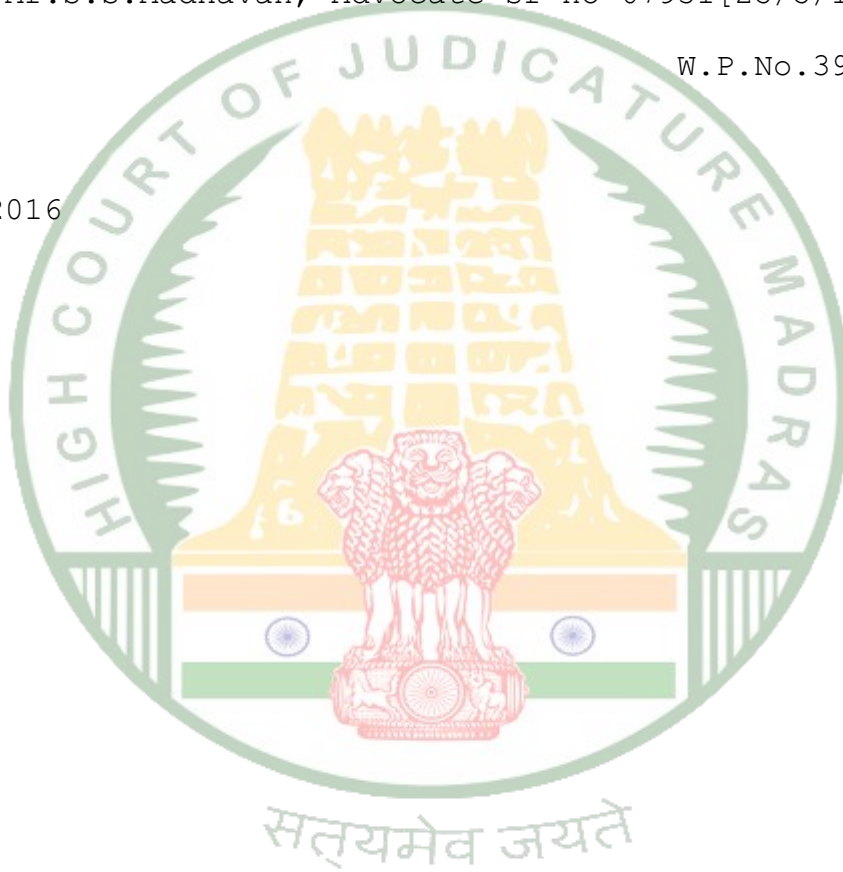
2.The Chairman / Director General
of Police, Tamil Nadu Uniformed
Services Recruitment Board,
Anna Salai, Chennai.

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

+1 CC to Govt.Pleader. SR.NO. 68161
+ 1 CC to Mr.S.S.Madhavan, Advocate sr no 67931[25/5/16]

W.P.No.39654 of 2015

CO-LRS
JD 07/01/2016



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