

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

**Review Application No.306 of 2015
(W.P.No.27016 of 2015)**

M.Anbazhagan

.. Applicant

-VS-

1.Government of Tamil Nadu,
Rep. By Secretary to Govt.,
Home (Police IV) Department,
Secretariat, Chennai.

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

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

.. Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C., seeking to review the order dated 03.11.2015 passed in W.P.No.27016 of 2015 on the file of this Court.

For Petitioner

:

Mr.N.Subramanian
for Mr.G.Mutharasu

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

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ORDER

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

The review application is an endeavour by the applicant / petitioner to somehow get recruited to the post of Sub-Inspector, even though he falls below the cut-off, by any means whatsoever including pleadings, which we find much on the verge of being scandalous. That the counsel has lent his hand to the same makes it even more unfortunate.

2.The examination process of recruitment of the Sub-Inspectors commencing with the notification published on 08.02.2015 was a massive exercise where more than 1,85,000 candidates participated for recruitment of 1078 posts. The examination process envisaged a written examination followed by model answers to which objections could be filed and thereafter, a final decision on the correct answers was taken and the written papers evaluated accordingly. It is, thereafter, that the candidates had to go through physical endurance

tests, though in the case of the applicant / petitioner being an inter-department candidate, that process had not to be gone through, as only endurance test was taken and not other parameters. Thereafter, the viva voce was held.

3. In the litigation initiated by the applicant / petitioner, we had examined the case initially on 14.09.2015 and rejected some of the claims qua the key answers by recording reasons for the same, while others were kept pending for further consideration. This aspect is recorded in the order dated 03.11.2015, which is subject matter of review and was so done to make it comprehensive by itself. The remaining aspects were also examined on 13.10.2015 when further order was passed and it is only finally the writ petition was dismissed on 03.11.2015. Thus, it was at three stages where the counsel for the petitioner was heard at length before this Court made all its opinions finally.

4. In the review application filed, inter alia, it is sought to be pleaded that part of the findings based on the petitioner not having made a representation at the relevant stage of time were predicated on the petitioner not having any proof of service and that being an inter-departmental candidate, he dropped the same in a box. The

reason why this was not believed was that as per records of the respondents, while other representations made have been received, no such representation of the applicant / petitioner was received and thus, it was considered appropriate to go by the records. Even otherwise, the final model answers to various questions have been examined in a large number of petitions filed before this Court, as there were numerous aggrieved parties on various accounts. The applicant / petitioner seeks to blame the respondent-department as being unreliable with a direction that objections to be taken into account.

5.The petitioner seeks to make a grievance on account of the fact that at request of learned Additional Advocate General, all matters whether before the Division Bench or the Single Judge were called and bunched together. This was so done, as the result declaration process was being delayed and in fact, this Court spent a fair number of days and hours only to see that the transparency of the examination, its veracity in all matters is checked and the results declared at the earliest. There was no grievance made in this respect till filing of the review application, when, in no holds barred endeavour is being made to somehow get recruited.

6. Another grievance made is that interim relief applications were not kept pending stating that wherever required such interim reliefs would be granted in the writ petition itself, but yet the applicant / petitioner was not granted the final relief. We fail to understand the very basis of such a plea as in appropriate cases where we thought that the matter needed further examination, we directed the candidates to go from one stage to the other on the basis of merits. To assist us, detailed charts were prepared by the respondents dealing with the variety of objections raised including specific questions for which it was alleged that the final model answer was not correct. There were also petitions where it was pleaded that the original answer was correct yet it was changed at the behest of other candidates in the model answers. All these aspects were analysed in different cases.

7. We heard the learned counsel for the applicant / petitioner at length, something we say, at a cost of repetition, but unfortunately the case sought to be made before us is as if the counsel for the petitioner was not fully heard.

8. We strongly deprecate the conduct of the applicant / petitioner and we are afraid, even of the counsel, in using such methodologies to

somehow get the fraction of the mark required for him to be above the cut-off. In any such process, there will always be candidates who fall this side of the cut-off or that side of the cut-off, but that is the sequitur to such a large number of candidates appearing for an examination, where the seats are so limited.

9. We would have imposed exemplary costs for such a misadventure but for the fact that the applicant / petitioner is a Grade-II Constable and we only hope that his misadventures end with this and do not form a part of his career endeavours.

10. There is no error apparent on the face of record in the orders of the Court which were made on the submissions advanced by the learned counsel for the applicant / petitioner and had been dictated in Court.

11. Review Application, thus, stands dismissed. No costs.

(S.K.K., C.J.) (P.S.N., J.)
27.01.2016

Index : Yes/No
Website : Yes/No

sra

To

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The Hon'ble Chief Justice
and
Pushpa Sathyanarayana, J.

(sra)

Rev. Aplw. No.306 of 2015

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