

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 20.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.A.No.153 OF 2012 AND 154 OF 2012

against

W.P.Nos.5934 and 5935 of 2010

and

M.P.Nos.1 and 2 of 2012

- 1.State of Tamilnadu,
Rep. by Secretary to Government of Tamilnadu,
Home (Police) Department, Chief Secretariat,
Chennai.
- 2.Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Director General of Police,
B.D.V.Sengalvarayar Naicker Maaligai,
2nd Floor (Opp. L.I.C.) No.807, Anna Salai,
Chennai 600 002.
- 3.The Director General of Police (L&O),
O/o. Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai 600 004. Appellants
in both appeals

Versus

Mr.G.Senthil Kumar

... Respondent
in W.A.153/2012

Mr.Sasta Indusekaran

... Respondent
in W.A.154/2012

Prayer:- Writ Appeals filed under Clause 15 of the Letters Patent to set aside the order dated 25.03.2010 made in W.P.Nos.5934 and 5935 of 2010.

WP & 5934 & 5935 of 2010: Petitions are filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to award 2 marks to the petitioners for question Nos.38 and 44 in the written examination held for the year 2006-2007 for the post of Sub-Inspector of Police besides directing the respondents to appoint the petitioners as Sub-Inspector of Police for the Recruitment year 2006 -2007 and place him in the appropriate

place in the list of selected candidates with all consequential service and monetary benefits.

For Appellants :- Mr.R.Ravichandran
in both appeals Additional Government Pleader

For Respondent
in both appeals :- No Appearance

COMMON JUDGMENT

(Judgment was delivered by K.RAVICHANDRABAABU,J.)

These writ appeals are directed against the orders passed in W.P.Nos.5934 and 5935 of 2010 dated 25.03.2010 by the learned Single Judge disposing of the writ petitions by following the earlier order passed in a batch of cases in W.P.No.4509 of 2009 dated 04.11.2009.

2.Though notice was ordered in these writ appeals to the respondents, they have chosen not to appear before this court inspite of service of notice and printing their names in the causelist today, when the matter is taken up for final disposal.

3.Learned Additional Government Pleader appearing for the appellants submitted that the common order passed in W.P.No.4509 of 2009 dated 04.09.2009, followed by the learned Single Judge in the subject matter writ petitions was put to challenge before the Division Bench of this court in W.A.Nos.1719 of 2010, etc., and by an order dated 23.12.2010, the Division Bench allowed those writ appeals by passing the following order:

"32.In fine,

1) The appeals filed by the government are allowed setting aside the directions given in the impugned order in para 24(i) to (iv) except para 25(vi) & (vii).

2) As far as 23 old candidates are concerned, as stated above, the list provided by the Advocate General would disclose that revaluation was done and out of 23 candidates 10 candidates are found to be eligible for appointment. Accordingly, they are directed to be appointed subject to usual formalities.

3) W.A.No.1739 of 2010 is also allowed with a direction to dispose of the petitioner's representation dated 9.4.2009. Appeals are allowed as stated above. No costs."

He further submitted that further appeal before the Hon'ble Supreme Court of India in Special Leave Appeal Nos.36358 to

36391 of 2011, also came to be dismissed on 19.12.2015, without interfering with the order of the Division Bench of this court. The copies of the order passed by the Division Bench as well as the Apex Court are produced before this court.

4.We have perused the abovesaid orders. Considering the fact that the earlier order followed by the learned Single Judge for allowing the writ petition came to be set aside by the Division Bench of this Court, which was not interfered by the Hon'ble Apex Court, as stated supra, the present appeals are also allowed in the terms of the order passed in W.A.No.1719 of 2010, etc., dated 23.12.2010. Consequently, the orders of the learned Single Judge passed in W.P.Nos.5934 and 5935 of 2010 are set aside. No costs. The connected M.Ps. are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamilnadu,
Home (Police) Department, Chief Secretariat,
Chennai.
- 2.The Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
B.D.V.Sengalvarayar Naicker Maaligai,
2nd Floor (Opp. L.I.C.) No.807, Anna Salai,
Chennai 600 002.
- 3.The Director General of Police (L&O),
O/o. Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai 600 004.

1 cc to Government Pleader, sr.24724

W.A.Nos.153 and 154 of 2012

kji vo
kts 02.06.2016