

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6961 of 2012

D.Karthikeyan

.. Petitioner

Vs

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee. Chengalvaraya Naicker Building,
No.807, 2nd floor, Anna Salai,
Chennai - 600 002.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to issue the records pertaining to the marks given for Physical Examination Test (PET) in 400 mtrs running race to the 6th Batch conducted for the post of SI Recruitment 2010 on 18.08.2010 at Villupuram, Armed Reserved Police Force Ground to the petitioner and to direct the respondent to reassess the petitioner marks for selection for the post of Sub Inspector of Police (batch 2010).

For petitioner : Mr.K.Venkataramani, SC
for Mr.M.Muthappan
For Respondent : Mr.A.Kumar, Spl.GP

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the respondent to issue the records pertaining to the marks given for Physical Examination Test (PET) in 400 meters running event of the 6th Batch conducted for the post of SI Recruitment 2010 on 18.08.2010 at Villupuram, Armed Reserved Police Force Ground and then to direct the respondent to reassess the marks obtained by the petitioner for selection to the post of Sub Inspector of Police (batch 2010).

2. Heard the learned counsel appearing on either side.

3. The petitioner has initially applied for the post of Sub-Inspector of Police conducted by the Tamil Nadu Uniformed Services Recruitment Board. Thereafter, he was called for to undergo Physical Examination Test (PET). Subsequently, he took part in the 400 meters running event, however, he was awarded

with only one star (2 marks). In such circumstances, the only grievance of the petitioner is that one Mr.B.Vetrivel, who ran behind him, was awarded with two star (5 marks), whereas the petitioner was awarded with only one star (2 marks) for the 400 meters running event.

4. Mr.K.Venkataramani, learned Senior counsel would submit that the petitioner was given 49 marks in the written test, 9 marks in Physical Efficiency Test and 3.50 marks in viva-voce, totalling 61.50 marks. Had he been given proper marks in the Physical Efficiency Test, he would have been qualified for the post of Sub Inspector of Police. In spite of the fact that the petitioner had done well in the Physical Efficiency Test compared to other candidates, he was given less marks in respect of 400 meters running race on 18.8.2010 at Villupuram Armed Reserve Police Force ground. Even at the time of Physical Efficiency Test, video was taken in respect of 400 meters running race. Reiterating his stand, the learned senior counsel would further submit that when the respondent has awarded 2 star (5 marks) to one Mr.B.Vetrivel (Reg.No.0500645), who was running behind the petitioner-Mr.D.Karthikeyan (Reg.No.0500609), the petitioner also should have been given five marks. But the respondent has wrongly given 1 star (2 marks). In any event, since the petitioner has got only 61.50 marks, instead of 1 star (2 marks), had the respondents allotted 2 star (5 marks) as awarded to Mr.B.Vetrivel who was running behind the petitioner, he would have been selected to the post of Sub Inspector of Police in the year 2010. As a glaring mistake in allotment of marks in the 400 meters running race had occurred, after awarding 2 star (5 marks) to Mr.B.Vetrivel, wrongly failing to award atleast the same marks to the petitioner, the respondent has committed a serious mistake, as a result, the petitioner has been languishing.

5. A detailed counter affidavit has been filed by the respondent stating that the selection process consisted of the following tests:-

1) Written Test	: 70 marks
2) Physical Efficiency Test	: 15 marks
3) Viva-voce	: 10 marks
4) Special Mark	: 05 marks

Total 100 marks

The learned Special Government Pleader for the respondent further submitted that the recruitment processes were conducted under the supervision of an officer in the rank of Deputy Inspector General of Police designated as Sub Committee Chairman with one member in the rank of Superintendent of Police and another two members in the rank of Additional Superintendent of Police and Deputy Superintendent of Police. In addition, One

Super Check Officer in the rank of Inspector General of Police was also nominated with instructions to cross check the measurements of height, chest and also other tests of few candidates at random, in order to ensure that the recruitment processes are conducted in a fair and unbiased manner. While so, in the written test, the petitioner had secured 49 marks, 9 marks in the Physical Efficiency Test and 3.50 marks in viva-voce, totalling to 61.50 marks. As he belongs to MBC community, the cut-off marks for medical examination and police verification for Taluk personnel were fixed at 64.75 marks; for AR personnel at 64.25 marks and for TSP personnel at 63.75 marks.

6. The only grievance of the petitioner is that one Mr.B.Vetrivel, who ran behind him, was awarded with two star (5 marks), whereas the petitioner was awarded with only one star (2 marks) for the 400 meters running event. Therefore, to verify the veracity of the said grievance of the petitioner, this Court directed him to produce the CD obtained by him under RTI Act before this Court. Accordingly, on production of CD, on 26.02.2016, with the assistance of Mr.P.Ravi, Deputy Superintendent of Police, Tamil Nadu Uniformed Service Recruitment Board, Chennai, I have seen the video-clipping played in the laptop. From the said video-clipping, it is crystal clear that the petitioner was running before the selected candidate, namely, Mr.B.Vetrivel, who was awarded with 2 star (five marks), whereas the petitioner was awarded with only one star (two marks). Mr.P.Ravi, DSP, who has also seen the video clipping played before this Court, admitted that the petitioner has been wrongly awarded with one star (2 marks). Therefore, in my view, the marks awarded by the respondent Board are absolutely unjustified.

7. According to the respondent, the petitioner was awarded with 61.50 marks totally (49 marks in written test, 9 marks in Physical Efficiency Test, 3.50 marks in viva-voce) as seen from the counter affidavit. Therefore, if the respondent Board had awarded two star (five marks) to the petitioner, naturally, he would have secured 64.50 marks, which is over and above the cut-off marks fixed for the candidates belonging to MBC category (Armed Reserve). Thus, this Court, by taking note of the fact that petitioner has been working in the Police Department as Police Constable Grade-II, directs the respondent to appoint the petitioner, after sending him for medical examination, within a period of four weeks from the date of receipt of a copy of this order. Needless to say that petitioner is entitled to claim only the seniority on par with one Mr.B.Vetrivel, not the backwages.

With the above direction, the writ petition stands disposed of. No Costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

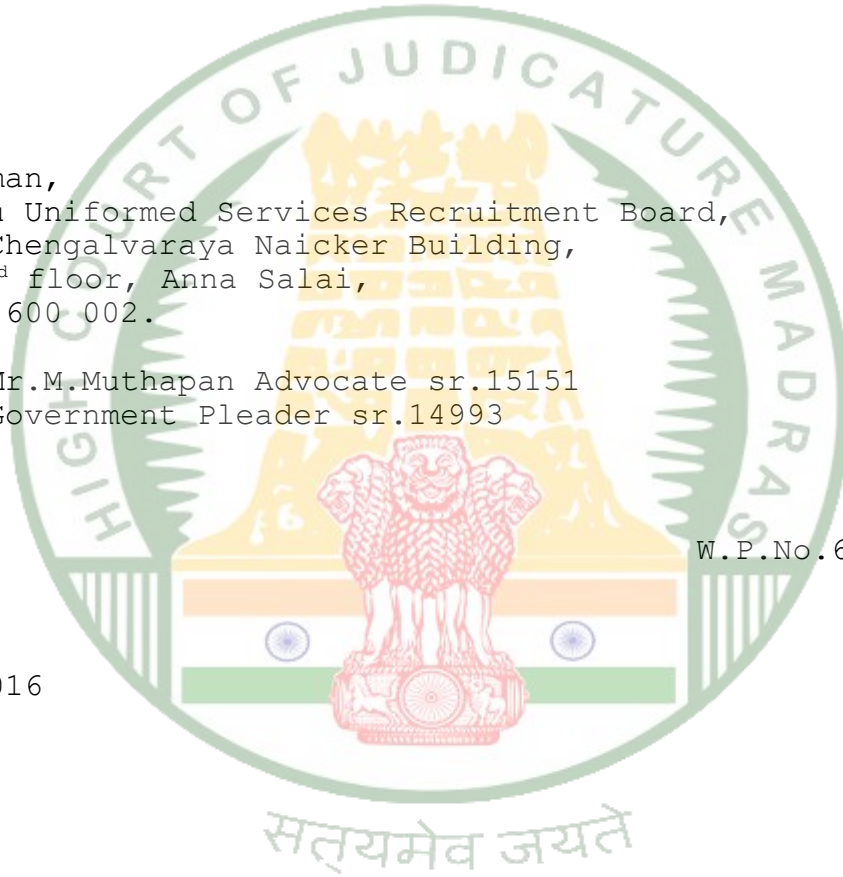
To

The Chairman,
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+1 cc to Mr.M.Muthapan Advocate sr.15151
+1 cc to Government Pleader sr.14993

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