

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

**Review Application No.16 of 2016
in W.P.No.23937 of 2015**

K.Vijay

.. Applicant

-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.

3.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Anna Salai, Chennai.

.. Respondents

Review Application filed under order 47 Rule 1 read with Section 114 CPC to review the order of this Court dated 07.09.2015 passed in W.P.No.23937 of 2015.

For Applicant

: Mr.R.Subramani
for Mr.A.Tamilrajan

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ORDER

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

The applicant / petitioner applied for recruitment to the post of Sub-Inspector of Police in pursuance to the notification dated 08.02.2015. The written test was held on 23.05.2015 and the applicant / petitioner participated as an open candidate. The key answers for the said test were published on 28.05.2015 and the objections, if any, had to be filed within a week. Final key answers were published on 18.07.2015, on which date the result of the written test was also published. The Physical Endurance Tests were, thereafter, held from 3rd to 5th August, 2015.

2.The review is predicated on the ground that the writ petition has been dismissed on account of delay and laches solely relying on the order passed in W.P.No.27598 of 2015 dated 07.09.2015. Distinguishing the said order, learned counsel for the applicant / petitioner submits that in the given facts of that case, the petition was filed after 03.09.2015, when the Viva Voce stage had commenced, while in the present case, the applicant / petitioner approached the Court on the date when the Physical Endurance Tests commenced.

3.We may notice that question no.78 was " ... is the second largest country in Asia" with the options of India, China, Russia and Pakistan. The original key answers had Pakistan as the answer. The corrected answer after dealing with the objections is India. The case of the applicant / petitioner is that the correct answer should be China.

4.We may note that all the papers have been corrected on the basis of the answer being India. The process was completed by holding interviews and thereafter, declaring the results on 15.11.2015. The relevant persons have also gone for training.

5.The important factor in this case is that when the answer was given as Pakistan, undisputedly there is nothing on record to suggest that the applicant / petitioner objected to that answer. It is not a case as if according to the applicant / petitioner the correct answer was Pakistan, which had been wrongly changed to India. Thus, if the applicant / petitioner was answering China, the stage at which the applicant / petitioner had to object was when the objections were invited to the provisional answers. This, the applicant / petitioner, did not do. On being left out post the declaration of the result by half mark, the applicant / petitioner filed the petition.

6.We may note that for a recruitment of 1078 posts, more than 1,85,000 candidates participated and thus, the natural consequence is that a lot of persons had got left out by fraction of marks. But this is the natural consequence of participation of so many candidates.

7.We may notice that against the order under review, the applicant filed a Special Leave Petition bearing No.31221 of 2015, but withdrew the same on 20.11.2015 with liberty to file a review as prayed for by the applicant.

8.We are, thus, not inclined to review the result of dismissal of the writ petition for the reasons aforesaid.

9.Review Application stands dismissed.

(S.K.K., C.J.) (T.S.S., J.)
12.04.2016

Index : Yes/No
Website : Yes/No

sra

To

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The Hon'ble Chief Justice
and
T.S.Sivagnanam, J.

(sra)

Rev.Aplw.No.16 of 2016

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