

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.8391 of 2016

P.Diwakar

... Petitioner

Versus

1. The Secretary to Government
Home (Police II) Department,
Fort St.George, Chennai 9.
2. The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
3. The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Egmore, Chennai 600 008. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order dated 15.11.2015 (Enrolment No.5102048) and quash the same in so far as denying appointment to the petitioner as Sub-Inspector (under 20% department quota) and direct the respondents to award 3 marks to the petitioner for having given correct answers in respect of 'D' Series Question Nos.11, 37, 57 and 101 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits.

For Petitioner : Mr.R.Venkataramani
Senior Counsel for Mr.M.Muthappan

For Respondents : Mr.P.H.Aravindpandian
Additional Advocate General
assisted by Mr.S.T.S.Murthi
Government Pleader for
Mr.V.R.Kamalanathan AGP for R.1 to R.3
O R D E R

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

Justice)

The petitioner is an in-service candidate who participated in the process of recruitment of Sub Inspectors for which notification was issued on 08.02.2015. The written test for the department candidates was conducted on 24.05.2015 and the provisional written test key answers were published on 28.05.2015 giving one week time to file any objection to the same. The petitioner did not file any objection at that stage and the written test final key answers were published on 18.07.2015. The petitioner qualified in the written test.

2. The petitioner went through the physical endurance test conducted from 33.08.2015 to 05.08.2015 and consequently results were published on 21.08.2015. We may note that for recruitment of 1078 candidates, more than 1.85 lakhs candidates participated, and the results were declared on the basis of ratio of 1:5 for each category. Post PET results, the next stage of viva-voce was in the ratio of 1:2. The petitioner went through the viva-voce, which was conducted from 03.09.2015 to 15.10.2015 and the final provisional select list was published on 15.11.2015. The petitioner went through the complete process of examination at every stage having no grievance, but unfortunately at the final stage, he did not make it. This is a natural consequence as for each of the categories, double the number of candidates were called for the interview as against the required posts. We emphasise this because in the process of selection with large number of candidates, there will be many who will fall by the way side. The present writ petition has been now preferred stating that the petitioner had some doubts on the key answers to certain questions for which one week's time had been granted to file objections on 01.03.2016 based on a representation dated 23.12.2015 requiring the coding sheet to be supplied, which was supplied on 28.05.2015.

3. We are setting forth the aforesaid dates, as much after the period was over, the petitioner woke up and seeks to somehow get into the provisional select list.

4. We were faced with hundreds of cases during the selection process having dealt with each stage at the relevant time, so as to get the final stage and the result declaration. The candidates qualifying only at the particular stage would go to the next stage and that is the reason we monitored the process. The grievance/cause of action would arise at that stage in such examinations and we cannot expect the candidate to sleep over his/her rights and they must act promptly. In fact, we have rejected a large number of cases where petitioners had an afterthought based upon the subsequent stage performance to question the previous stage only to get in as a candidate

qualified at the subsequent stage. Such a request cannot be permitted once the examination process is over, when the cause of action for the petitioner expired on one week expiring from 28.05.2015.

5. We had cautioned the learned counsel that now number of cases are coming up to somehow get into the list. This is a complete waste of judicial time and adventurism at best, especially when we have laid down principles which we examined in these matters. We thus, feel that the petitioner must be burdened with costs. However, taking into consideration the economic status of the petitioner, we impose only limited costs.

6. The writ petition is dismissed with costs of Rs.2,500/- (Rupees Two Thousand and Five hundred) to be deposited with the Mediation and Conciliation Centre, High Court Campus, Madras, within a period of 15 days. Consequently, WMP.No.7432 of 2016 is closed.

ksr

dt.07.03.2016

This writ petition having been posted on Tuesday the fifteenth day of March 2016 under the caption for Being Mentioned in pursuance of the order of this court dated 7.3.2016 and made herein in the presence of the Mr.T. Ayngaraprabhu, Advocate for the petitioner herein and the aforesaid Advocate for the respondents this court made the following order;

In identical matters, which we have dismissed subsequently, we have not imposed costs as the learned Additional Advocate General pointed out that any imposition of costs would have an adverse effect on the service record.

2. In view of the aforesaid position, we recall the direction contained in para 6 of the order dated 07.03.2016 to deposit costs, though the general observations in para 5 are maintained.

sra

dr. 15.03.2016

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

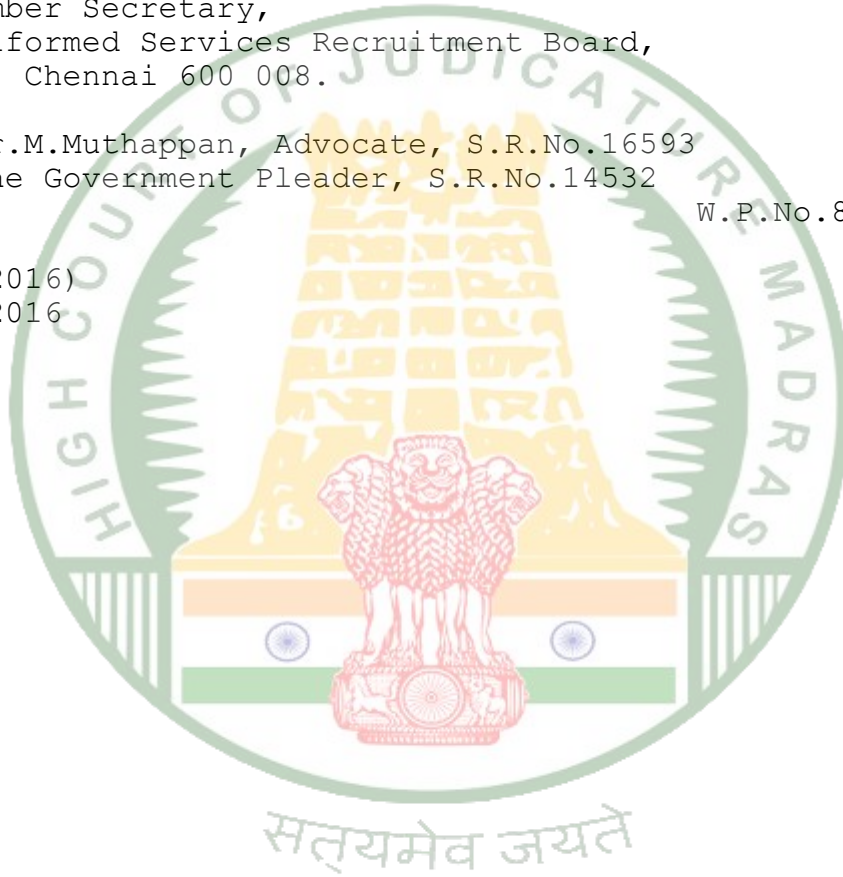
To

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3. The Member Secretary,
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Egmore, Chennai 600 008.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.16593
+1cc to the Government Pleader, S.R.No.14532

W.P.No.8391 of 2016

CNR(CO)
CA(14/03/2016)
EU 21.03.2016



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