

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.8572 of 2016

R.Senthil Kumar

.. Petitioner

-vs-

- 1.The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai-9.
 - 2.The Secretary,
P & AR Department,
Fort St. George,
Chennai-9.
 - 3.The Director General of Police,
Mylapore,
Chennai-4.
 - 4.The Secretary,
T.N. Uniformed Services Recruitment Board,
Anna Salai,
Chennai-2.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the fourth respondent in connection with the impugned order dated 15.11.2015 (Enrolment No.5600115) and quash the same, in so far as not selecting the petitioner for appointment to the post of Sub Inspector of Police under 20% departmental quota and seeking direction, directing to the respondents to earmark separate mark under the priority quota as per Clause 6(e) of prospectus therein earmarking 20% for persons studied in Tamil medium for selection to the post of Sub-Inspector of Police (M) for the year 2015 for the 20% departmental candidates forthwith, and consider the claim of the petitioner for appointment under PSTM quota or alternatively award two (2) marks to the petitioner for the correct answers given by him for in 'A' Series Question Nos.1, 36, 63 and 82 and select and appoint him as Sub Inspector of Police and grant him

all consequential service and monitory benefits.

For Petitioner(s): Mr.M.Muthappan

For Respondents : Mr.P.H.Arvind Pandian
Addl. Advocate General
assisted by
Mr.STS.Moorthy, Govt. Pleader
Mr.V.R.Kamalanathan, Addl. G.P.
Mr.V.Shanmugasundar,
Government Advocate

* * * * *

ORDER

(Order of the Court was made by The Hon'ble 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 key answers were published on 28.05.2015, giving one week's time to file any objection to the same. The respondents received a representation from the petitioner on 08.06.2015 and the same was considered. The final key answers for the written test were published on 18.07.2015. The petitioner qualified in the written test.

2. The petitioner went through the physical endurance test conducted from 03.08.2015 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, but unfortunately at the final stage, he did not make it. This is naturally the consequence as for each of the categories, double the number of candidates were called for the interview as against the notified posts. We emphasise this because in the process of selection with large number of candidates, there will be many who will fall by the side. The present writ petition has been now preferred stating that the petitioner had some doubts in the key answers as to certain questions and based on that, he sent a representation dated 26.11.2015 requiring the coding sheet to be supplied, which was accordingly supplied.

3. We are setting forth the aforesaid dates only to say that the petitioner woke up much after the period was over 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 to 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. In such examinations, the grievance/cause of action would arise at the respective stage 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 qualifying for the subsequent stage. Such a request cannot be permitted once the examination process is over.

5. We had cautioned the learned counsel that now, a 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 the principles after we examined all these matters. We thus, feel that the petitioner may be burdened with costs of Rs.2,500/- to be deposited with the Mediation and Conciliation Centre, Madras High Court. However, the learned Additional Advocate General informs us that imposition of costs would be placed in the service register of the individual. So, we desist from imposing the costs.

6. The writ petition is dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai-9.

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P & AR Department,
Fort St. George,
Chennai-9.

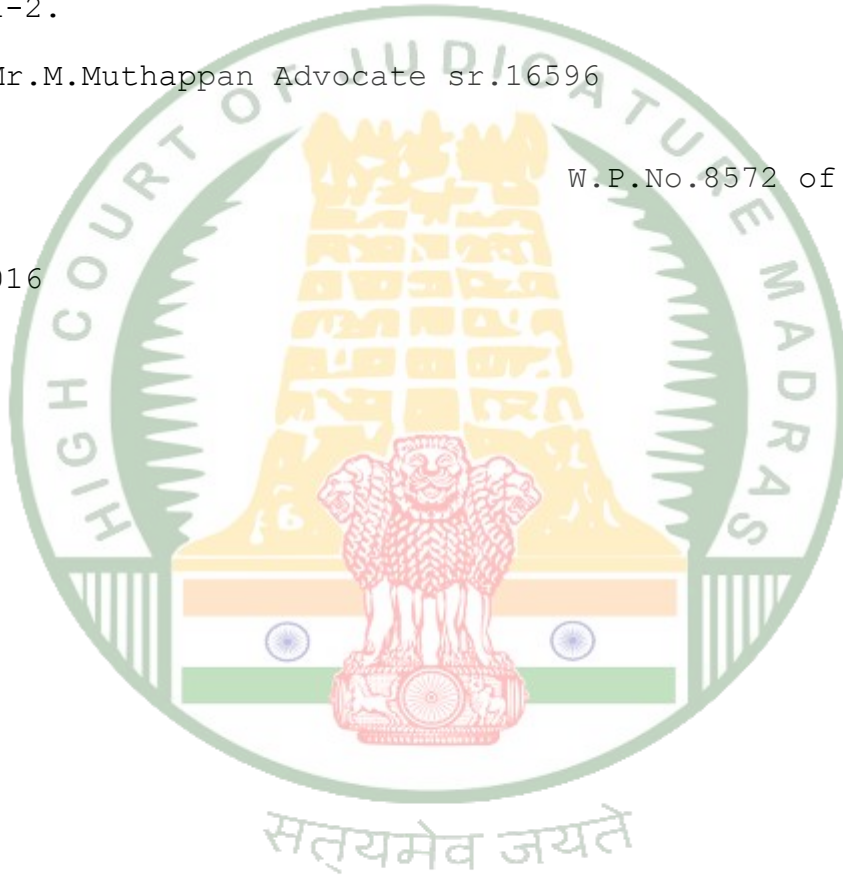
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Anna Salai,
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+1 cc to Mr.M.Muthappan Advocate sr.16596

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