

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM

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

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

W.P.Nos.9363, 8531, 8594 to 8596, 8598 to 8600, 8678, 8682,
8746, 8794, 8865, 8562, 8563, 8564, 8565, 8571 of 2016

and

WMP.No.8364 of 2016 in W.P.No.9363 of 2016 &
WMP.Nos.7614 to 7618 of 2016 in
W.P.Nos.8562 to 8565 & 8571 of 2016

M.GURUPRASAD	...	PETITIONER	in WP.9363 of 2016
RAYAPPAN	...	PETITIONER	in WP.8531 of 2016
K.MADASAMY	...	PETITIONER	in WP.8594 of 2016
MANIKANDAN	...	PETITIONER	in WP.8595 of 2016
DEEPAK	...	PETITIONER	in WP.8596 of 2016
VELAN	...	PETITIONER	in WP.8598 of 2016
K.SRINIVASAN	...	PETITIONER	in WP.8599 of 2016
A.ASHOK PRABHAKARAN	...	PETITIONER	in WP.8600 of 2016
S.BABU S/O.SEKARAN	...	PETITIONER	in WP.8678 of 2016
L.SAKTHIRAJ	...	PETITIONER	in WP.8682 of 2016
K.SRITHARAKRISHNAN	...	PETITIONER	in WP.8746 of 2016
P.SURESH	...	PETITIONER	in WP.8794 of 2016
K.PRABHU SIVASANKAR	...	PETITIONER	in WP.8865 of 2016
K.DEVI	...	PETITIONER	in WP.8562 of 2016
A.ANTONY PITCHAI	...	PETITIONER	in WP.8563 of 2016
V.ARTHEESWARI	...	PETITIONER	in WP.8564 of 2016
P.POORNIMA	...	PETITIONER	in WP.8565 of 2016
V.ASOKAN	...	PETITIONER	in WP.8571 of 2016

-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.

...Respondents 1 to 3 in all WPs

4. The Secretary,
T.N. Uniformed Services Recruitment Board,
Anna Salai,
Chennai-2.

...4th Respondent in 9363, 8531, 8594,
8595, 8596, 8599, 8600, 8678, 8794,
8565 & 8571 of 2016

WP No.9363 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No.5300286) 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 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 'D' series Question Nos.11,57,78 and 153 and select and appoint him as Sub Inspector of Police and grant him all consequential service and monitory Benefits.

WP No.8531 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.2015 (Enrolment No.5400232) and quash the same in so far as denying appointment to the petitioner as Sub Inspector (under 20% departmental quota) and direct the respondents to award 2 marks to the petitioner for having given correct answers in respect of D Series Question Nos.57, 59, 137 and 153 and consequently select and appoint him as Sub Inspector of Police and grant him all consequential service benefits

WP No.8594 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5102280) and quash the same, in so far as denying him to participate in the next state of selection 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 one (1) mark to the petitioner for the correct answers given by him for in D Serious question No.11 & 78 and select and appoint him in service and grant his all consequential service and monitory Benefits.

WP No.8595 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5100653) and quash the same, in so far as denying him to participate in the next state of selection 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 forthwith, and consider the claim of the petitioner for appointment under PSTM quota or alternatively award 2 1/2 marks to the petitioner for the correct answers given by him for in C Series Question Nos.6, 37, 62, 131 and 142 and appoint him as Sub Inspector of Police and grant him all consequential service benefits

WP No.8596 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5100752) and quash the same, in so far as denying appointment to the petitioner as Sub-Inspector (under 20% departmental quota) and direct the respondents to award 3.5 marks to the petitioner for having given correct answers in respect of D Series Question Nos. 11, 37, 57, 59, 101, 137 and 153 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8598 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5100812) and quash the same, in so far as denying appointment to the petitioner as Sub Inspector (under 20% departmental quota) and

direct the respondents to award 2 marks to the petitioner for having given correct answers in respect of A Series Question Nos.1, 63, 82 and 102 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8599 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5100884) and quash the same, in so far as denying appointment to the petitioner as Sub Inspector (under 20% departmental quota) and direct the respondents to award 1/2 mark to the petitioner for having given correct answers in respect of D Series Question Nos.11 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8600 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5300221) and quash the same, in so far as denying him to participate in the next state of selection 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 forthwith, and consider the claim of the petitioner for appointment under PSTM quota or alternatively award 1 1/2 marks to the petitioner for the correct answers given by him for in A Series Question Nos.1, 82 and 128 select and appoint him as Sub Inspector of Police and grant him all consequential service benefits

WP No.8678 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5600183) and quash the same, in so far as denying appointment to the petitioner as Sub Inspector (under 20% departmental quota) and direct the respondents to award 3 marks to the petitioner for having given correct answers in respect of C Series Question Nos.42, 62, 73, 106, 142 and 158 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8682 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 5900032) and quash the same, in so far as denying appointment to the petitioner as Sub Inspector (under 20% departmental quota) and direct the respondents to award 1 1/2 marks to the petitioner for having given correct answers in respect of D Series Question Nos.11,59 and 78 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8746 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned result through website dt 15.11.2015 (Enrolment No.6400150) and quash the same in so far as denying appointment to the petitioner as Sub-Inspector (under 20% departmental quota) and direct the Respondents to award 1/2 marks to the petitioner for having given correct answers in respect of B Series Question Nos. 21 and consequently select and appoint the petitioner as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8794 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.2015 (Enrolment No.7100011) and quash the same and further direct 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 forthwith, and consider the claim of the petitioner for appointment under PSTM quota or alternatively award half (1/2) mark to the petitioner for the correct answers given by him for in C series question No.6 and select and appoint him in service and grant him all consequential service and monetary benefits

WP No.8865 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus

Calling for the records of the 3rd respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 6400110) and quash the same, in so far as denying appointment to the petitioner as Sub Inspector (under 20% departmental quota) and direct the respondents to award 1/2 marks to the petitioner for having given correct answers in respect of B Series Question Nos.21 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8562 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned order dt.15.11.15 (Enrolment NO.5400395) and quash the same in so far as denying appointment to the petitioner as Sub-Inspector (under 20% departmental quota) and direct the Respondents to award 1 mark to the petitioner for having given correct answers in respect of A Series Question NOs. 1 and 82 and consequently select and appoint her as Sub-Inspector of Police and grant her all consequential service benefits

WP No.8563 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned order dated 15.11.15 (Enrolment No. 8000597) and quash the same in so far as denying appointment to the petitioner as Sub-Inspector (under 20 % departmental quota) and direct the Respondents to award 2 marks to the petitioner for having given correct answers in respect of A Series Question Nos.1, 36, 82, 128 and consequently select and appoint him as Sub-Inspector of Police and grant him all consequential service benefits

WP No.8564 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned Result dated 15.11.2015 through Website (Enrolment No.5102063) and quash the same, in so far as denying appointment to the petitioner as Sub-Inspector (Under 20% Departmental Quota) and direct the respondents to award one (1) mark to the petitioner for having given correct answers in respect of C Series Question Nos.64 & 83 and consequently select and appoint him as Sub Inspector of Police and grant her all consequential service benefits

WP No.8565 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 4th respondent in connection with the impugned order dated 15.11.15 (Enrolment No.5500040) and quash the same and direct the respondents to earmark separate mark under priority quota as per clause 6 (e) of the prospectus earmarked for 20% of the persons studied in Tamil Medium for selection to the post of Sub-Inspector (Women) for the year 2015 for the 20% departmental candidates forthwith for 20% Departmental Quota candidates and consider the claim of the petitioner for appointment under PSTM quota or alternatively award 2 1/2 mark to the petitioner for the correct answers given by her for D Series Question NOs. 57, 101, 137, 149 and 153 and select and appoint him as Sub Inspector of Police and grant him all consequential service benefits

WP No.8571 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in connection with the impugned order dt 15.11.2015 (Enrolment No.5200104) and quash the same and direct 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 forthwith, and consider the claim of the petitioner for appointment under PSTM quota or alternatively further direct the respondents to award three (3) marks to the petitioner for the correct answers given by him for having given correct answers in respect of D Series Question Nos.11, 57, 59, 78, 101 and 153 and consequently service benefits

For Petitioner(s) : Mr.M.Muthappan
in all WPs

For Respondents : Mr.P.H.Arvind Pandian
in all WPs Additional Advocate General
assisted by
Mr.STS.Moorthy,
Government Pleader

Mr.V.R.Kamalanathan,
Additional Government Pleader

Mr.V.Shanmugasundar,
Government Advocate

COMMON ORDER

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

The matters are fully covered by our order dated 07.03.2016 in W.P.No.8391 of 2016 (P.Diwakar v. The Secretary to Government, Home (Police II) Department, Fort St. George, Chennai-9 and others) and thus, necessarily the same order must follow in these petitions. In the said order, it was observed as under:-

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, naturally the 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 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 aside the aforesaid dates, saying 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."

2. The writ petitions are dismissed. We were inclined to impose costs of Rs.2,500/- (Rupees Two Thousand Five Hundred) in each of the petitions to be deposited by the respective petitioners with the Mediation and Conciliation Centre, Madras High Court Campus. However, the learned Additional Advocate General informs us that imposition of costs would be placed in the service register of the individual writ petitioners. So, we desist from imposing costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To

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.

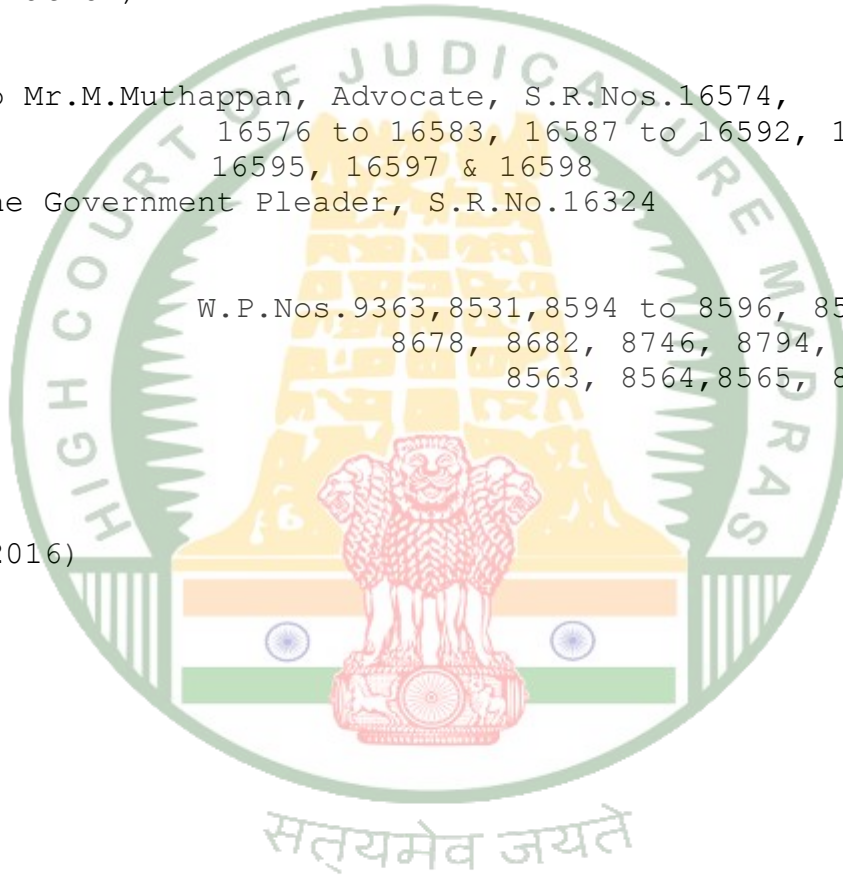
Copy To

The Secretary,
Mediation and Conciliation Centre,
High Court, Madras.
(For Information)

+19cc's to Mr.M.Muthappan, Advocate, S.R.Nos.16574,
16576 to 16583, 16587 to 16592, 16594,
16595, 16597 & 16598
+1cc to the Government Pleader, S.R.No.16324

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CNR(CO)
CA(01/04/2016)



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