

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16266 of 2016

R.Prabhu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department,
Fort St. George, Chennai 600 009.
2. The Director General of Police
Tamil Nadu, Chennai - 600 004.
3. The Director General of Police,
Tamil Nadu, Uniformed Services
Recruitment Board,
Anna Salai, Chennai 600 002.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner as S.I of Police in Law and Category by granting him four additional marks for the question numbers 7, 11, 38, 44 and 62 held at the written examination for the post of S.I of Police for the year 2006-07 vis-a-vis recruitment year 2008 on account of wrong key answers set by them.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

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O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to appoint the petitioner as a Sub-Inspector of Police in Law and Category by granting him four additional marks for the question numbers 7, 11, 38, 44 and 62 held at the written examination for the post of S.I of Police for the year 2006-07.

2. The writ petitioner was initially recruited as Grade-II Constable and he claims that he is entitled to be appointed as Sub-Inspector of Police in the recruitment of the year 2006-2007. The allegation set out in this writ petition by the writ petitioner is that certain answers which he has written in the written examination are incorrect, on that ground he is entitled for four additional marks for the question Nos.7, 11, 38, 44 and 62.

3. The Hon'ble Division Bench decided the issue in W.A.Nos.1719 to 1739 and 1602 to 1636 and 1933 to 1958 of 2010 and an order was passed on 23.02.2010, with regard to the same recruitment of the year 2006-2007 and the relevant portion in Paragraphs 32 and 33 are extracted here under:

32. In fine,

1) The appeals filed by the Government are allowed setting aside the directions given in the impugned order in para 24 (i) to (iv) except para 25 (vi) & (vii).

2) As far as 23 old candidates are concerned, as stated above, the list provided by the Advocate General would disclose that revaluation was done and out of 23 candidates 10 candidates are found to be eligible for appointment. Accordingly, they are directed to be appointed subject to usual formalities.

3) W.A.No.1739 of 2010 is also allowed with a direction to dispose of the petitioner's representation dated 09.04.2009. Appeals are allowed as stated above. No costs.

33. However, it is seen that the litigations are due to mistakes committed during setting up question paper. The petitioners are not responsible for wrong key answers. Though this Court found the mistake/wrong committed was unintentional and bonafide, the second respondent has to bear in mind that it is conducting

exams to recruit persons for uniformed services. Any irregularity in the process of selection would affect morale of the force and interest of the public. In future the second respondent board should be very seriously and carefully and responsibly conduct exams without giving any room for challenge. In this regard, the learned Judge issued general guide lines to be followed in future in para 25 vi, vii of the impugned order and the same are confirmed.

4. Another Division Bench of this Court also passed an order on 04.02.2015 in W.A.No.2278 of 2012 allowing the Writ Appeal filed by the State, in this regard. The Review Application filed by the candidates against the order of the Hon'ble Division Bench were dismissed on 14.07.2011 and the Special Leave Petitions filed in this regard were also dismissed by the Hon'ble Supreme Court of India on 19.01.2015. Thus, no further adjudication is required on the merits and the grounds raised in this writ petition. This apart, this Court is of the view that the selection is of the year 2006-2007 and the issue relating to the selection were settled long back and the candidates had also joined duty and the writ petition now filed after a lapse of ten years cannot be considered on merits in view of the earlier Judgments pronounced by the Hon'ble Division Bench as well as by the Hon'ble Supreme Court of India.

5. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai 600 009.
2. The Director General of Police
Tamil Nadu, Chennai - 600 004.

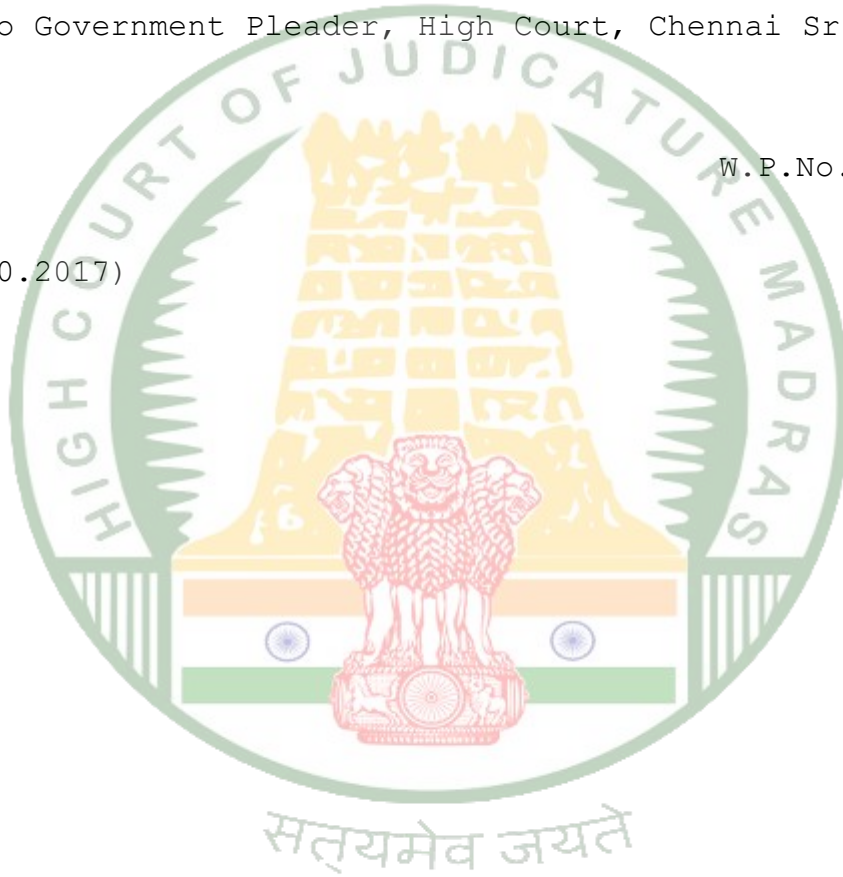
3. The Director General of Police,
Tamil Nadu, Uniformed Services
Recruitment Board,
Anna Salai, Chennai 600 002.

+1 CC to Mr.K.Ravi Anantha Padmanaban Advocate Sr.No.70549

+1 CC to Government Pleader, High Court, Chennai Sr.No.70682

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KP(13.10.2017)



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