

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21373 of 2010

T.Murugan

...Petitioner

Vs.

1.Secretary to Government
Home Department
Fort St. George
Secretariat, Chennai - 9.

2.Director General of Police
Chennai - 600 004.

3.The Chairman
Tamil Nadu Uniformed Service
Recruitment Board
Anna Salai, Chennai - 600 002.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to award two more marks to the petitioner (Reg.No.2900350) for question Numbers 11 and 44 of the Written Test for selection to the post of Sub-Inspector of Police for the year 2006 and consequently direct the respondents herein to appoint the petitioner as Sub-Inspector of Police for the year 2006 and place him in the appropriate place in the list of selected candidates with all consequential service and monetary benefits.

For Petitioner : Mr.D.Velmurugan
For M/s.Bala and Daisy

For Respondents : Mr.K.Venkataramani
Addl. Advocate General - VII
Assisted by
Mrs.K.Bhuvaneswari
Government Advocate

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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 award two more marks to the petitioner (Reg.No.2900350) for question Numbers 11 and 44 of the Written Test for selection to the post of Sub-Inspector of Police for the year 2006 and consequently direct the respondents herein to appoint the petitioner as Sub-Inspector of Police for the year 2006 and place him in the appropriate place in the list of selected candidates with all consequential service and monetary benefits.

2.First of all, this Court is of the opinion that appointment can never be claimed as a matter of right. Even a selection will not confer any right on the candidates to seek an order of appointment. A writ against the process of selection may be entertained only, if any illegality irregularity malpractices or corrupt activities are substantiated then the Court can interfere. A mere participation in the process of selection will not confer any right on the candidates to seek an order of appointment.

3.In the case on hand, the learned counsel appearing on behalf of the petitioner states that some of the questions and answers are vague and it was not properly evaluated. Thus, the writ petitioners are entitled for additional marks in this regard. In the event of providing additional marks, there is a probability of selection of the writ petitioner, on this ground the writ petition is filed.

4.However, this Court cannot issue any direction to an order of appointment. The writ petitioner has to succeed in the process of selection and then only, the order of appointment will follow.

5.In view of the fact that the reasons stated in the writ petition are not very clear. This Court is of the opinion that it is suffice, if a direction is issued to the respondents to consider the representation, if any and pass orders so as to know the reasons for which the petitioner was not selected for recruitment to the post of Sub-Inspector.

6.The writ petitioner is at liberty to submit a representation to the third respondent/Board within a period of two (2) weeks from the date of receipt of a copy of this order. If any such representation is received the third respondent is directed to consider the same and pass orders on merits and in

accordance with law, within a period of twelve (12) weeks thereafter.

7.With the above direction, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

may

To

1.Secretary to Government
Home Department
Fort St. George
Secretariat, Chennai - 9.

2.Director General of Police
Chennai - 600 004.

3.The Chairman
Tamil Nadu Uniformed Service
Recruitment Board
Anna Salai, Chennai - 600 002.

+1cc to M/s.Bala & Daisy, Advocate, S.R.No.84479

+1cc to the Government Pleader, S.R.No.84744

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RRK(15/12/2017)

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