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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Review Application No.40 of 2018
in
W.P.No.23075 of 2015

B.Velmurugan

.. Petitioner

Vs.

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

2.The Secretary to Government,
P&AR Department,
Fort St. George, Chennai - 600 009.

3.The Director General of Police,
Mylapore, Chennai - 600 004.

4.The Chairman,
T.N. Uniformed Services Recruitment Board,
Anna Salai, Chennai - 600 002.

.. Respondents

Prayer : Review Application filed under Order 47 Rule 1 of CPC to review the order passed in W.P.No.23075 of 2015 dated 03.11.2015.

WP.No. 23075 of 2015: 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 4th respondent in connection with the impugned order dated 18.7.2015 (Enrolment No.1100107) and quash the same in so far as denying him to participate in the next stage of selection and seeking direction directing 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 and grant him all consequential service and monetary benefits.



For Petitioner : Mr.Edwin Prabakar

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader

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ORDER

[Order of the Court was delivered by T.S.Sivagnanam, J.]

Heard Mr.Edwin Prabakar, learned counsel appearing for the petitioner and Mr.V.Kadhirvelu, learned Special Government Pleader appearing for the respondents.

2.This review petition has been filed to review the order passed in W.P.No.23075 of 2015 dated 03.11.2015. The order reads as follows:

"The issue of the petitioner being considered as a candidate for recruitment to the post of Sub-Inspector in pursuance to the notification dated 08.02.2015 under the category of having studied in Tamil Medium at school level has now been decided against such similar candidates in view of our order in W.P.No.27005 of 2015 (between D.Anbarasan and The Secretary to Govt., and others) decided on 08.09.2015.

2.Learned Senior Counsel for the petitioner, however, submits that in that eventuality, the petitioner case can at least be covered in the open quota, something which learned Additional Advocate General accepts. However, when the facts of this case are analysed, the difficulty is that the petitioner does not make the minimum benchmark for the open quota in the written examination having obtained 49 marks against the cut-off marks of 49.50. Thus, even if the petitioner is considered under the open quota, he would not be eligible.

3.Writ petition, thus, must fail and is, accordingly, dismissed. No costs."

3.On a plain reading of the order passed in the writ petition, we can easily decide that the learned counsel who had appeared for the petitioner was convinced at that juncture that the petitioner had a chance for selection in the light of the decision rendered in W.P.No.27005 of 2015. Having reconciled with the said fact, a prayer was made that they should be considered under a different quota. This has also been examined by the Division Bench and it was found that the petitioner did not make the minimum benchmark for the open quota in the written examination having obtained 49 marks against the



cut off marks of 49.50. Now the petitioner is before this Court seeking for review of the order after having been unsuccessful in a challenge before the Hon'ble Supreme Court in SLP(C)No.488 of 2016 which was dismissed on 05.09.2016.

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4.Mr.Edwin Prabakar, learned counsel for the petitioner made elaborate submissions on the notification which was issued by the respondents for selection and contended that the quota reserved for PSTM candidates should have been separately brought out right from the first stage of selection, namely, written examination.

5.Unfortunately, it is too late for the petitioner to raise such an issue especially after he having participated in the selection process. Furthermore, the petitioner has not been able to point out any error which is apparent on the face of the order. Having been unsuccessful before the Hon'ble Supreme Court and the Special Leave Petition having been dismissed now the present review petition has to be held not sustainable. As already pointed out, the petitioner has miserably failed in pointing out any error which is apparent on the face of the order passed in the writ petition. That apart, we note that the petitioner is an in-service candidate working as Constable in the Tamil Nadu Police Service who had also participated in the subsequent selection but was unsuccessful. Thus, for all reasons we find no grounds to review the order passed in W.P.No.23075 of 2015. Accordingly, the review petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Cse

To

- 1.The Secretary to Government
Home (Police II) Department,
Fort St. George, Chennai.
- 2.The Secretary to Government,
P&AR Department,
Fort St. George, Chennai - 600 009.
- 3.The Director General of Police,
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4.The Chairman,
T.N. Uniformed Services Recruitment Board,
Anna Salai, Chennai - 600 002.

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+1cc to Mr.Edwin Prabakar, Advocate, S.R.No. 59821

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in W.P.No.23075 of 2015

MR(CO)
GN(22/08/2019)
CB(10/09/2019)