

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.10.2018

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

W.P.Nos.33718 of 2012, 8016 of 2013 & 8974 of 2013
and MP.No.1 of 2012

S.Vasivam ...Petitioner in WP.No.33718 of 2012
S.Suthakar ...Petitioner in WP.No.8016 of 2013
N.Raja Singh ...Petitioner in WP.No.8974 of 2013

-Vs-

1.Principal Secretary to Government,
Home Department,
Fort St.George, Chennai – 600 009.

2.Director General of Police (L&O)
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

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

... Respondents in all WPs.

4.Public Information Officer/
Superintendent of Police,
Tamil nadu Uniformed Services,
Recruitment Board, Chennai-600 002.

...4th Respondent in WP.No.33718 of 2012

Prayer in WP.No.33718 of 2012 : Writ Petition filed under Article
226 of the Constitution of India praying to issue a Writ of

Certiorarified Mandamus, calling for the records relating to the proceedings of the 4th respondent dated 18.4.11 made in C.No. R-1/5446/2009 quash the same and direct the respondents to revise and re-fix the petitioners seniority after awarding two marks to the right answers marked by him in the written test and change his category from Sub Inspector of Police (Armed Reserve) to Sub Inspector of Police (Taluk).

Prayer in WP.No.8016 of 2013 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise and re-fix the petitioner's seniority after awarding three mark to the right answer marked by him in the written test and change his category from Sub Inspector of Police (Armed Reserve) to Sub-Inspector of Police (Taluk).

Prayer in WP.No.8974 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise and re-fix the petitioner's seniority after awarding one mark to the right answer marked by him in the written test and change his category from Sub Inspector of Police (Armed Reserve) to Sub-Inspector of Police (Taluk).

For Petitioner in all W.Ps. : Mr.S.K.Rajasekaran

For Respondents in all W.Ps. :Mrs.Narmadha Sampath
assisted by
Mr.V.KathirVelu
Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions is for a direction directing the respondents to revise and re-fix the petitioners' seniority after awarding respective marks to the right answers marked by them in the written test and change their category from Sub Inspector of Police (Armed Reserve) to Sub-Inspector of Police (Taluk).

2. The learned counsel appearing for the petitioners states that the petitioners were participated in the process of selection for recruitment to the post of Sub Inspector of Police services. The notification for recruitment was issued on 19.07.2006 and the notified vacancies were 682. The petitioners participated in the process of selection and proceeded in the selection process, subsequently they were appointed as Sub Inspector of Police and as of now, the petitioners are continuing in the post of Sub Inspector of Police.

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3. The grievance of the writ petitioners is that one Mr.Alex, who also participated in the selection process along with the writ petitioners filed writ petition in WP.No.4509 of 2009 and the matter

was decided by the Hon'ble Division Bench of this Court in W.A.Nos.1719 to 1739 of 2010 and an order was passed on 23.12.2010 and the said order of the Hon'ble Division Bench was implemented by the Government in G.O.Ms.No.399, Home (Police.3) Department, dated 07.06.2012. As per the G.O.Ms.No.399, the said Mr.Alex, who participated in the selection process along with the petitioners was granted two additional marks for the wrong key answers fixed in respect of the two questions. Thus, the petitioners also claim the same benefit for grant of marks for the wrong key answers. Therefore, the writ petitioners are also liable to get the same benefit on par with the said Mr.Alex. In other words, the learned counsel appearing for the petitioners is of an opinion that Mr.Alex was granted two additional marks in respect of the wrong key answers and the writ petitioners were also eligible for grant of additional marks on account of the wrong key answers.

4.The learned counsel appearing for the petitioners further states that in the event of granting additional marks for the wrong key answers, the writ petitioners would be benefited in respect of their seniority in the post of Sub Inspector of Police. Thus, they are constrained to move the present writ petitions.

5. The learned Additional Advocate General appearing on behalf of the respondents disputed the grounds raised on behalf of the writ petitioners by stating that the recruitment notification was issued in the year 2006 and the process of selection was completed and the candidates were joined in the year 2007 and sent for police training during the year 2008. They have successfully completed the training course and all the appointed candidates are serving as Sub Inspector of Police in various places. The claim of the writ petitioners cannot be considered after this length of time, in view of the fact that case of the writ petitioners are not akin to the case of Mr.Alex. The petitioners were appointed as Sub Inspector of Police and were serving till now from the date of their appointment and thereafter, filed the present writ petitions seeking additional marks in respect of the wrong key answers. If at all, the writ petitioners are so aggrieved, they would have approached this Court immediately after the publication of the selection list. However, they had not done so and approached this Court belatedly.

6. This Court is of an opinion that the writ petitioners were selected and appointed to the post of Sub Inspector of Police. The

age limit prescribed for appointment to the post of Sub Inspector of Police as per the recruitment notification was 28 years. Now, at this time, the writ petitioners would be more than 28 years. This apart in respect of grant of additional marks with reference to the wrong key answers, the petitioners ought to have approached this Court within a reasonable period of time. Admittedly, the petitioners were selected in the year 2007 and now serving as Sub Inspector of Police. They waited till the case of Mr.Alex reached its finality and thereafter, filed the present writ petitions after a lapse of about 5 years from the date of selection. This apart, the Special Leave Petition filed by the candidates, challenging the order passed by the Division Bench in W.A.No.1729 of 2010 was dismissed by the Supreme Court of India on 19.01.2015 itself. Thus, the order passed by the Division Bench became final and accordingly, all the selected candidates are serving in the post of Sub Inspector of Police.

7. This being the factum of the case, the writ petitioners cannot claim any additional marks in respect of the selection conducted during the year 2007 and for the purpose of seniority. The ranking list published by the Department became final long back and the seniority also was fixed in accordance with the ranking list. Thus,

the settled ranking list pursuant to the selection cannot be now unsettled after a lapse of more than six years from the date of selection. More specifically, the process of selection reached its finality in the year 2007 itself. In this view of the matter, the writ petitioners have not established any acceptable ground for the purpose of grant of relief as such sought for in these writ petitions.

8. Accordingly, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

22.10.2018

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Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

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S.M.SUBRAMANIAM, J.
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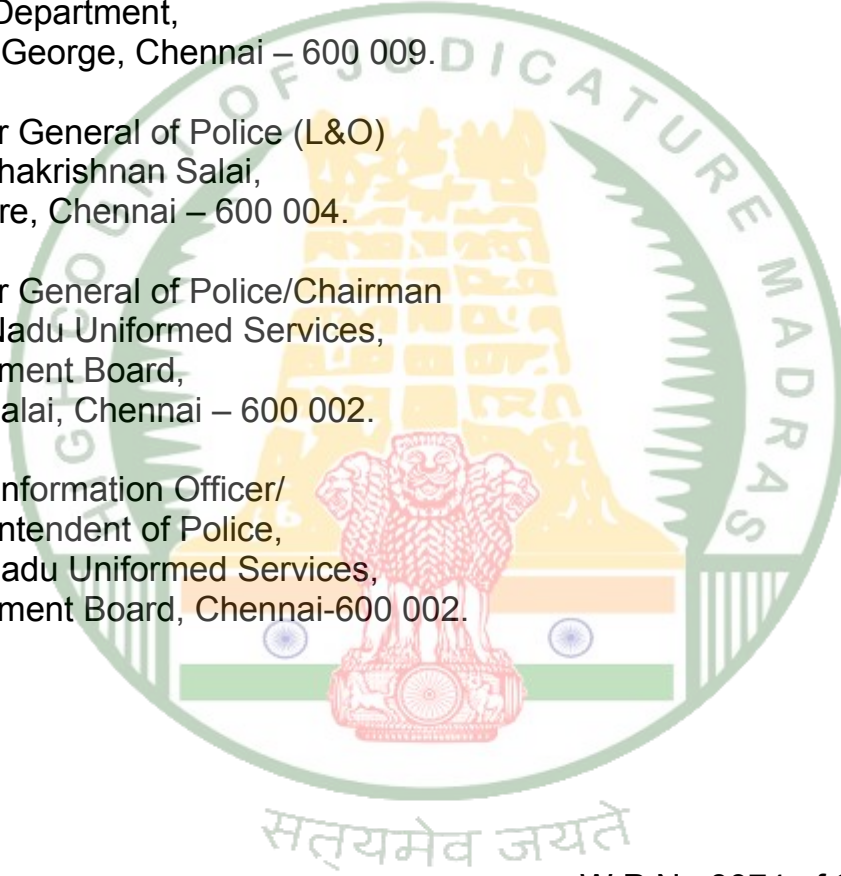
To

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W.P.No.8974 of 2013

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