

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 23-10-2018

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3147 of 2013

1.P.Arulraj
2.B.S.Deepthi
3.R.Regina
4.M.Ramesh
5.T.Elayaraja
6.E.Gnana Anandh

.. Petitioners

..Vs..

- 1.Union of India,
Ministry of Railways,
Represented by Director General, RPF,
Rail Bhavan,
New Delhi - 110 001.
- 2.The Chief Security Commissioner-cum-
Chairman General Recruitment Committee,
Office of the Railway Protection Force,
North Western Railway,
GM Office, Ganpati Nagar,
Opposite Railway Hospital,
Hasanpura Road,
Jaipur - 302 006.
- 3.The Chief Security Commissioner,
Office of the Railway Protection Force,
Moor Market Complex,
Southern Railway,
Chennai-600 003.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to publish the marks for the written examination and the merit list of the candidates who appeared in the selection process for Sub-Inspectors for the vacancies notified by the second respondent in the Employment Notice No.2 of 2011, dated 13.4.2011 and consequently direct the respondents to select in the post of Sub-Inspectors for the vacancies notified in the Employment Notice No.2 of 2011, dated 13.4.2011 based on the merit list.

For Petitioners : Ms.Kavitha Deenadayalan
For Respondents : Mr.P.T.Ramkumar,
Standing Counsel for Railways.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to publish the marks for the written examination and the merit list of the candidates, who appeared in the selection process for Sub Inspectors for the vacancies notified by the second respondent in the Employment Notice No.2 of 2011, dated 13.4.2011 and consequently, direct the respondents to select in the post of Sub Inspectors for the vacancies notified in the Employment Notice based on the merit list.

2. The learned counsel for the writ petitioners forcibly contended that there was lack of transparency in the process of selection. The respondents had not followed the principles of transparency, while processing the selection. Even the marks granted in the written examinations were not published properly and thereafter, the viva voce marks were also not published. The writ petitioners were kept in dark, despite the fact that they were successful in the written examination as well as in the Physical Efficiency Test. Thus, the writ petitioners are entitled to be considered for appointment to the post of Sub-Inspectors, Railway Protection Force.

3. The learned counsel for the writ petitioners states that on account of lack of transparency on the part of the Competent Authorities, the writ petitioners were unable to know about the manner in which the process of selection was conducted. The said action of the respondents resulted in denial of right of appointment to the writ petitioners as per their merit and based on the marks obtained by them in the written examination.

4. Admittedly, the Recruitment Notification was issued in the year 2011 for appointment to the post of Sub Inspector, Railway Protection Force. Pursuant to the Recruitment Notification, the process of selection was conducted by the respondents and the written examination was conducted at the first instance and the candidates successful were allowed to participate in the Physical Efficiency Test and thereafter, viva voce test.

5. The learned Standing Counsel, appearing on behalf of the respondents, disputed the contentions raised on behalf of the writ petitioners, by stating that the principles of transparency were followed scrupulously by the authorities. The

Final Select List was also published duly by the authorities in the Railway website as well as in the newspapers. 511 vacancies were notified and the process of selection was conducted in accordance with the terms and conditions stipulated in the Recruitment Notification as well as in accord with the Railway Protection Force Service Rules.

6. The written examination was conducted and as per the Rules, 1533 candidates were allowed to participate in the viva voce test. All the persons, who were successful in the written examination, were permitted to participate in the Physical Efficiency Test. Thus, there was no violation in respect of the procedures adopted for the purpose of completing the selection process. The entire process of selection conducted by the respondents were narrated in the counter-affidavit filed on behalf of the respondents. It is relevant to state that the details of marks obtained by the writ petitioners, which are extracted hereunder:-

Name	Roll No.	Category	Marks obtained in written	Cut-off marks for viva voce
P.Arulraj	308299	OBC	75.75	91
M.Ramesh	308411	OBC	64.75	91
E.Gnana Anandh	308551	OBC	62.25	91
T.Elayaraja	302358	Gen	61.25	84.75
B.S.Deepthi	309213	OBC/F	52.75	63
R.Regina	309292	OBC/F	52.5	63

7. The cut off marks prescribed to attend for viva voce of OBC/Male category is 91, General/Male category is 84.75 and OBC/Female is 63. All the writ petitioners have secured cut off marks, which are below than the required marks in their respective category. Thus, the writ petitioners had not come under the zone of consideration for participating in the viva voce test.

8. This Court is of an opinion that when the writ petitioners have secured below the cut off marks and not eligible to participate in the viva voce test, they cannot now seek the relief of selection and appointment. The writ petitioners were not within the zone of consideration based on the marks secured by them and therefore, the relief, as such, sought for in the present writ petition, cannot be granted.

9. Accordingly, the writ petition stands dismissed.
However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Director General, RPF,
Union of India,
Ministry of Railways,
Rail Bhavan,
New Delhi - 110 001.
- 2.The Chief Security Commissioner-cum-
Chairman General Recruitment Committee,
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- 3.The Chief Security Commissioner,
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Chennai-600 003.

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.71954

WP No.3147 of 2013

SR(CO)

rrs 16/11/2018

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