

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No. 1655 of 2012
and
M.P.No.1 of 2012

The Chairman
T.N. Uniformed Services Recruitment Board,
Anna Salai,
Chennai-2

... Appellant

Vs

P. Sasi Kumar

... Respondent

Appeal filed under Clause 15 of the Letters Patent against the order dated 15.03.2010 passed in W.P.No.5144 of 2010.

W.P.No.5144 of 2010

Writ Petition filed under Article 226 of the Constitution of India, praying this Hon'ble to issue a writ of Mandamus, Directing the respondent to award the marks for the questions asked in the written examination and give appointment to the petitioner herein as directed by this Honble Court in its order dated 04.11.2009 made in W.P.No.4509 of 2008 batch within the time to be fixed by this Honble Court.

For Appellant .. Mrs. Narmadha Sampath,
Addl. Advocate General
assisted by
Mr.V.Kathirvelu,
Spl. Government Pleader

For Respondent .. No appearance

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 15.03.2010 passed in W.P.No.5144 of 2010.

2.Heard the learned Additional Advocate General appearing for the appellant. Despite service of notice and the name of the counsel having been printed in the cause list, there is no representation on behalf of the respondent.

3.The respondent was one of the applicants pursuant to the Notification issued by the appellants for recruitment to the post of Sub Inspector of Police. Thereafter, he has filed a writ petition seeking a writ of mandamus to award the marks for questions asked in the written examination. The learned single Judge allowed the writ petition by placing reliance upon the earlier order passed, which states that the exercise will have to be done involving all the candidates. Learned Additional Advocate General appearing for the appellant submits that the earlier order of the learned single Judge, which was relied upon in the writ petition and which is the subject matter of appeal was modified by the Division Bench in W.A.No.1719 of 2010 etc., batch dated 23.12.2010, in which it has been held as follows:

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) and (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.

4.In view of the above, the writ appeal stands allowed with the observation that the above order of the Division Bench would govern the present appeal as well. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

1.The Chairman
T.N. Uniformed Services Recruitment Board,
Anna Salai,
Chennai-2

+1cc to the Government Pleader, S.R.No.6496

W.A.No.1655 of 2012

SV(CO)
GSP(06/02/2019)