

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NOs. 34478 & 34482 of 2019

R.A.Sirajuddin ... Petitioner in W.P.No.34478/2019
P. Mariappan ... Petitioner in W.P.No.34482/2019

-Vs-

1. The Secretary to Government
Home Department, Fort St. George
Chennai 600 009
2. The Director General of Police
Mylapore, Chennai 600 004.
3. The Commandant,
Tamil Nadu Special Police
Training Centre
Avadi,
Chennai 600 054. ... Respondents in both the Writ petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or direction in the nature of such writ calling for the records pertaining to the proceedings in Na.Ka.No.A1/9907/2018 dated 20.08.2019 and quash the same and direct the respondents to consider the claim of the petitioner for appointment as Band Constable.

For Petitioners : Mr. M.S.Soundararajan
in both the Writ petitions

For Respondents : Mr.P.S.Siva Shanmugasundaram
Special Government Pleader
in both the Writ Petitions.

COMMON ORDER

The issue involved in both the cases are common and therefore, they are considered together and this common order is passed.

2. The case of the petitioners is that they had appeared for the selection to the post of Band Constables in the year 1993-94. No selection took place. Thereafter, in the year 2007, again, an advertisement was issued calling for candidates to the very same post of band constables. This was challenged by the petitioners and similarly placed persons on the ground that they had earlier participated and they were not selected and, therefore, the selection is bad. The said Writ Petition was dismissed. However, the respondents were directed to relax the Special Rules and thereby the petitioners also participated in the selection.

3. Apart from the petitioners, 57 candidates who were selected in the year 1993-94 were called for special eligibility test based on the directions given by this Court in W.P.No.7361 of 2009. Out of the same, 53 candidates were selected and appointed after considering the age relaxation and educational qualification.

4. The petitioners were called for the Special Eligibility Test during May 2019. The candidature of both the petitioners was rejected on the ground that they failed to secure the minimum 35 marks prescribed for music skill test. Aggrieved by the same, the present Writ Petitions have been filed before this Court.

5. The learned counsel for the petitioner submitted that both the petitioners used to play musical instrument Bugle. However, they were made to play all the musical instruments and were found not eligible in view of the marks that were assigned by the selection committee. In view of the specific stand that was taken by the learned counsel for the petitioner, this Court passed an order dated 10.02.2020 and the same is extracted hereunder.

"2. The learned Special Government Pleader is directed to produce the record showing the marks

that were assigned by the committee towards the performance of the petitioners with the musical instruments.

3. According to the learned counsel for the petitioner, the petitioner should have been made to play only one instrument and mark should have been given. Whereas, he was made to play all the four instruments and thereby he was given lesser marks.

4. The learned Special Government Pleader is directed to clarify this Court on this issue."

6. When the matter was taken up for hearing today, the Special Government Pleader produced all the relevant files before this Court. The files pertaining to the petitioners as well as the selected candidates were produced before this Court.

7. It is seen from the files that the selection committee had assigned marks to the candidates who participated in the music instrument skill test in the following manner.

Marks Statement										
S.No.	Reg. No. and name	Marks for trade qualification	Playing of Bugle (60 marks)						Playin g of other instru ments	Total marks 100
			No. of cal ls	Instrume nts handling	Tuning	Tonguin g	Beet s	Breath contro l		
Maximum marks to be awarded										
		20 marks	10 mar ks	10 marks	10 marks	10 mark s	10 marks	20 marks		

8. All the candidates have been tested in the same manner. It is seen that the petitioners were asked to play only bugle instrument. Wherever the candidates are not able to get sufficient marks by playing the main instrument, they were also given an opportunity to play other instruments, which also carries marks. Therefore, since the petitioners did not get sufficient marks by playing Bugle, they were also asked to play other instruments and some marks were assigned. In spite of the same, the petitioners were not able to get more than 22 marks

and 28 marks respectively. This procedure has been followed uniformly to all the candidates. Insofar as the marks that were assigned by the committee is concerned, this Court cannot sit over judgment since it has been done by a specialized committee.

9. In view of the above, this Court does not find any ground to interfere with the rejection of the candidature of the petitioners and the respondents have rightly rejected the candidature of the petitioners since they were not able to get minimum 35 marks.

10. In the result, both the Writ Petitions are dismissed. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bga

Copy to

1. The Secretary to Government
Home Department, Fort St. George
Chennai 600 009
2. The Director General of Police
Mylapore, Chennai 600 004.
3. The Commandant,
Tamil Nadu Special Police
Training Centre
Avadi, Chennai 600 054

+2cc to Mr. M.S.Soundararajan , Advocate, S.R.No.13475 & 13476

+1cc to the Government Pleader, S.R.No.13598 & 13600

W.P.NOs. 34478 & 34482 of 2019

SSI (CO)
KKV/20/03/2020

14.02.2020



WEB COPY