



W.P. (MD) Nos.10742, 10745 & 10749 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) Nos.10742, 10745 & 10749 of 2020

and

W.M.P. (MD) Nos.9460, 9461, 9462, 9465, 9470 and 9471 of 2020

D.Jagadeswaran ... Petitioner in W.P.(MD)No.10742 of 2020
R.Ramnath ... Petitioner in W.P.(MD)No.10745 of 2020
K.Lakshmanan ... Petitioner in W.P.(MD)No.10749 of 2020

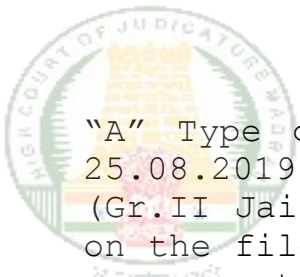
Vs.

- 1) The Secretary to the Government of Tamil Nadu,
Home (Police) Department,
Fort St.George, Chennai.
- 2) The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.
- 3) The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.

... Respondents in all 3 W.P's

Common Prayer in W.P. (MD) Nos.10742 & 10749 of 2020: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Final Answer Key as against Question No.52 in respect of "C" Type question pertaining to the written examination held on 25.08.2019 of the recruitment of the Grade II Police Constables (Gr.II Jail Warders and Firemen-2019) vide Advertisement No.1/2019 on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondent No.2 to add that one mark into the petitioners' marks already obtained and subject the petitioners for medical Examination and proceed further in accordance with law.

PRAYER in W.P. (MD) No.10745 of 2020: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Final Answer Key as against Question No.64 in respect of



"A" Type question pertaining to the written examination held on 25.08.2019 of the recruitment of the Grade II Police Constables (Gr.II Jail Warders and Firemen-2019) vide Advertisement No.1/2019 on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondent No.2 to add that one mark into the petitioner's marks already obtained and subject the petitioner for medical Examination and proceed further in accordance with law.

In All Writ Petitions:

For Petitioners : Mr.D.Selvanayagam
For M/s.P.Banuprasath

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mr.K.Mu.Muthu,
Additional Government Pleader

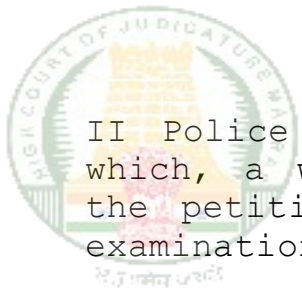
C O M M O N O R D E R

Since the issue raised in these writ petitions are one and the same, the learned counsel appearing on both sides submit that, these writ petitions can be heard together and disposed of by a common order. Accordingly, these writ petitions are heard together and disposed of by this common order.

2. The prayer sought for in these writ petitions are for a Writ of Certiorarified Mandamus, seeking to call for the records pertaining to the impugned Final Answer Key as against Question No.52 in respect of "C" Type question, in W.P.(MD) Nos.10742 & 10749 of 2020 and Question No.64 in respect of "A" Type question in W.P.(MD)No.10745 of 2020, pertaining to the written examination held on 25.08.2019 for the recruitment of the Grade II Police Constables (Gr.II Jail Warders and Firemen-2019) vide Advertisement No.1/2019 on the file of the 2nd respondent and quash the same and consequently direct the respondent No.2 to add one mark into the petitioners' marks already obtained and subject the petitioners for medical Examination and proceed further in accordance with law.

3. After hearing Mr.D.Selvanayagam, learned counsel appearing for the petitioners for some time, this Court feels that, these writ petitions are not adversary writ petitions in stricto sensu, which are, in fact, in the nature of Public Interest Litigation (P.I.L.).

4. The reason being that, the petitioners claim to have participated in the police selection for the appointment of Grade-



II Police Constables (Gr.II Jail Warders and Firemen-2019) for which, a written examination was conducted on 25.08.2019, where the petitioners participated in the same and wrote the written examination.

5. The claim of the petitioners in W.P.(MD) Nos.10742 & 10749 of 2020 and W.P.(MD) No.10745 of 2020 is that, they were given the question booklets bearing "C" and "A" series respectively, where question Nos.52 & 64 in the respective question booklets, were attempted by the petitioners and they have answered that, all the letters stated therein are 'Vowels', but the correct answer is 'e' i.e. the letter 'e' alone was a 'vowel', which is properly given as option 'D', which has also been confirmed in the final key answer published by the respondent Recruitment Board.

6. Now, the grievance of the petitioners is that, during the last recruitment, the very same question was asked as question No.79, where the key answer published by the respondent Recruitment Board says, 'all the four letters are vowels' and when the very same question has been asked now, for which, the respondent Recruitment Board say that letter 'e' alone is the correct answer and it has also been published by the respondent Recruitment Board in the final key answer.

7. However, the fact remains that, the correct answer is only 'e' i.e. letter 'e' that has been now correctly given in the final key answer as option "D".

8. In this context, the learned counsel appearing for the petitioners project that, had the respondent Recruitment Board issued the correct answer in the last recruitment for question no.19, a large number of people, like the petitioner, would not have written a wrong answer for question Nos.52 and 64 respectively in Question booklet series "C" and "A" in this recruitment, therefore, accordingly, a large number of people are affected, including the petitioners. Only on that ground, now, the present writ petitions have been filed, he contended.

9. After hearing the submissions made by the learned counsel appearing on either sides, this Court is of the considered view that, the grievance projected by the petitioners are not adversary in nature for themselves alone, but it is like a public interest. Therefore, this Court does not want to entertain these writ petitions, as they are not adversary writ petitions. Therefore, liberty is given to the petitioners to move a Public Interest Litigation on the said subject and grievance, if they are advised to do so.



10. Accordingly, these Writ Petitions are dismissed with the above said liberty. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Secretary to the Government of Tamil Nadu,
Home (Police) Department,
Fort St.George, Chennai.
- 2) The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.
- 3) The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.

+3 CC to Mr.P. BANUPRASATH, Advocate (SR-15732,15733,15734[F]
dated 03/09/2020)

+1 cc to The Special Government Pleader Sr.No.15799,15800

Common Order made in
W.P. (MD) Nos.10742, 10745
& 10749 of 2020

Dated:
02.09.2020

NS (CO)

KM (01.10.2020) 4P 8C