



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.7599, 7854 and 8065 of 2020
and
W.M.P. (MD) Nos.7094, 7325 and 7483 of 2020

(Through Video conferencing)

K.Thennarasu	...	Petitioner in W.P.No.7599/2020
S.Ashokkumar	...	Petitioner in W.P.No.7854/2020
1.M.Kaleeswari		
2.S.Muthukumar		
3.R.Muthukumar		
4.K.Abdul Raseeth		
5.A.Arun		
6.B.Jano	...	Petitioners in W.P.No.8065/2020

-Vs-

- 1.The State of Tamil Nadu,
represented by its Principal Secretary,
Home Department, Secretariat,
Chennai - 600 009.
- 2.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.
- 3.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.



4.The Director General of Police,
O/o.the Director General of Police,
Tamil Nadu, Chennai - 600 004.

...Respondents in
W.P.7599/2020 &
8065/2020

1.The Director General of Police/Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

2.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

... Respondents in
W.P.7854/2020

Prayer in W.P.(MD) Nos.7599 & 8065 of 2020: Writ Petitions - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondents to cancel the examination held on 12.01.2020 and 13.01.2020 in pursuant to the notification issued by the 3rd respondent vide notification No.2/2019 dated 08.03.2019 for direct recruitment to the posts of Sub Inspector of Police [Taluk, Armed Reserve (Men & Women/Transgender) & Tamil Nadu Special Police (Men)] - 2019 and proceed with the recruitment afresh and by considering the petitioner's representation dated 02.06.2020.

Prayer in W.P.(MD) No.7854 of 2020: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the respondents in respect of the notification under the proceedings No.02/TNUSRB/2019 dated 08.03.2019 for the direct recruitment for the posts of Sub-Inspector of Police (Taluk, Armed Reserve and Tamilnadu Special Police) 2019 and consequential provisional list published by the respondents under their proceedings bearing R.C.No.860/R2/TNUSRB/2019 dated 16.03.2020 as null and void, illegal, unsustainable and consequently directing the respondents to issue fresh notification for the post of Direct Recruitment of Sub-Inspector of Police (Taluk, Armed Reserve and Tamilnadu Special Police) within a period of time as may be fixed by this Court.

For Petitioners in : Mr.M.Ajmalkhan, senior counsel for
M/s.Ajmal Associates
(for W.P.7599 & 8065/ 2020)

Mr.M.Ponniah (fo W.P.7854/2020)



For Respondents : Mr.K.Chellapandian, AAG assisted by
Mr.K.Mu.Muthu, AGP in all petitions

COMMON ORDER

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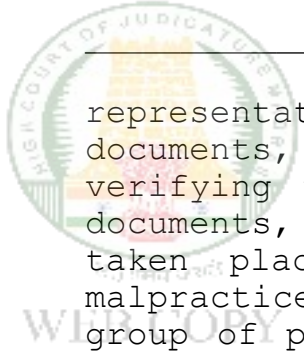
Since the issue raised in these three writ petitions are one and the same pertaining to the direct recruitment of Sub Inspector of Police of the year 2019 under the Tamil Nadu Police Subordinate Service, with the consent of the learned counsel for the parties as well as the learned Additional Advocate General appearing for the respondents assisted by the learned Additional Government Pleader, these writ petitions were heard together and are being disposed of by this common order.

2.The respondent Tamil Nadu Uniformed Service Recruitment Board (hereinafter called as Recruitment Board) issued a notification on 08.03.2019 inviting applications from the eligible candidates for the selection and appointment to the post of Sub Inspector of Police in the Tamil Nadu Police Subordinate Service.

3.Pursuant to the said notification, several thousands of applications seems to have been filed and these petitioners also were among the applicants and they claimed to have performed well, however become unsuccessful. After the selection process is over, now, the issue has come up in such a way, where, it is projected by the petitioners herein that, at the time of registration of applications through online, number of persons in one particular centres, where, they have been registered, had been given continuous registration numbers and in this regard, they further revealed that, those candidates had registered in such a way to get continuous registration numbers by registering their name by submitting applications from a particular online or computer centre during wee hours.

4.The yet another allegation given by the petitioners against the impugned selection is that, in some specific centres, where the examination held, especially in the centre at Vellore, Cuddalore and Tirunelveli, many number of candidates, who participated in the selection process, were able to clear the written examination and some of them have also reached the final selection process and have become successful.

5.In this context, the learned senior counsel as well as the other counsel appearing for the petitioners would submit that, they have collected some materials in support of these two allegations mainly and other allegations and accordingly, they already given a detailed representation with those collected materials to the respondent Recruitment Board and all that, they want is, based on these allegations, which have been elaborately pointed out in their



representations given to the Recruitment Board with supporting documents, let the Recruitment Board can examine the same and after verifying the allegations made by the petitioners with supporting documents, take a decision as to whether any malpractices had been taken place and there had been any chance or room for such malpractices at specific centres and with the result, a particular group of people/inmates would be able to clear the examination to get success in the selection process. If that endeavour is directed to be taken place at the respondents end especially before the Recruitment Board, within a time frame to be stipulated by this Court, the petitioners would be satisfied.

6. In this context, I have heard the learned Additional Advocate General appearing for the respondents, who would submit that, counter affidavits have been filed commonly in all these writ petitions, where the allegations made against the respondents Recruitment Board by each of the petitioners have not only been denied, but also, reiterated that there had been no chance of such malpractices for the recruitment process.

7. Be that as it may, the learned Additional Advocate General would further submit that, now the learned counsel appearing for the petitioners have confined with their prayer to look into the allegations made by them by way of request or representation with documents filed in support of their allegations, that would be looked into and thereafter, on verification of those allegations and supporting documents, the respondent Recruitment Board would take an appropriate decision as to whether there had been a real chance of malpractice as alleged by the petitioners and if so, definitely, appropriate/suitable action would be taken in accordance with law.

8. The said submission made by the learned counsel for the parties including the learned Additional Advocate General appearing for the respondents have been taken note of by this Court.

9. On considering the said submissions made by the learned counsel across the Bar appearing for the parties, this Court feels that, instead of going into the allegations and counter allegations as has been projected by the parties in this batch of writ petitions, direction can be issued to the respondent Recruitment Board as desired by the petitioners to look into those allegations with supporting documents and take a decision thereon, within a time frame.

10. Accordingly, these writ petitions are disposed of with the following orders:

"(i) The respondents, especially, the Tamil Nadu Uniformed Services Recruitment Board shall take into account the requests/complaints/representations made by the petitioners with supporting documents with regard to the allegations made therein that as to whether, there

<https://hcservices.ecm.gov.in/hcservices> any chance of malpractices by them at the time



of registering the candidature by number of persons and also at the time of conducting the written examination in specified centres and accordingly, those allegations can be gone into and to find out whether any such malpractices had taken place or there had been a chance of such malpractice and accordingly, take a decision for disposing all those representations/complains with cogent and acceptable reasons.

(ii) While making such exercise, the respondent Recruitment Board, for that purpose, can constitute an Expert Committee on their own consisting of two or three experts and if such committee is constituted, the constitution of the said committee can be intimated to the petitioners also, before whom, whatever materials, which are collected and are available, can be submitted once again and thereafter, let the committee can look into those allegations with supporting documents and give a report to the Recruitment Board, based on which, the 3rd respondent can take a decision and pass final orders as indicated above.

(iii) While deciding the same as indicated above, if any further materials are required by the Recruitment Board from the petitioners to substantiate their allegations and in case, the petitioners also would be able to get further information or materials, which the petitioners desirous of submitting before the Recruitment Board for consideration, that exercise can also be undertaken. After completing the exercise as indicated above, necessary final order shall be passed by the third respondent within a period of three months thereafter."

11. With these directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Principal Secretary,
State of Tamil Nadu,
Home Department, Secretariat,
Chennai - 600 009.
- 2.The Chairman/The Director General of Police,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.
- 3.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.
- 4.The Director General of Police,
O/o.the Director General of Police,
Tamil Nadu, Chennai - 600 004.

+1cc to Special Government Pleader sr.14309

Order made in
W.P. (MD) Nos.7599, 7854 and 8065 of 2020

17.08.2020

NR (16.09.2020) 6P 6C