



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.11053 of 2020

W.M.P.(MD) Nos.9691, 9694 & 9695 of 2020

(Through Video Conferencing)

N.Prabhakaran

... Petitioner

Vs.

1. The Member Secretary
Tamil Nadu Uniformed Service
Recruitment Board,
Old Commissioners of Police Office Campus,
Pantheon Road, Egmore, Chennai.

2. The Chairman
Recruitment Sub-committee
Madurai Centre,
Deputy Inspector General of Police,
Madurai Range, Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to produce the petitioner's original OMR answer sheet No.325709 ('D' category question sheet serial No.1249336) in respect of the petitioner's application registration No.2111560 before this Hon'ble Court and after verification of the same, if found eligible, admit the petitioner to the next level selection process of appointment to the posts of Sub Inspector of Police (Taluk, Armed Reserve [Men & Women/Transgender] & Tamilnadu Special Police [Men]-2019 as per Advertisement No.2/2019 dated 08.03.2019 issued by the 1st respondent on the basis of considering the petitioner's representation dated 12.06.2020.

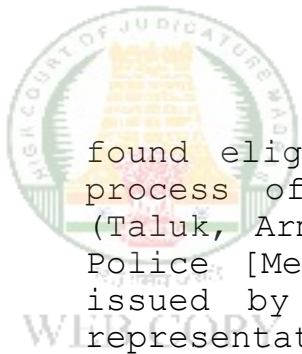
For Petitioner : Mr.B.Anandan

For Respondents : Mr.K.Chellapandian

Additional Advocate General assisted
Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The prayer in the writ petition is for a writ of mandamus to direct the 1st respondent to produce the petitioner's original OMR answer sheet No.325709 ('D' category question sheet serial No.1249336) in respect of the petitioner's application registration No.2111560 before this Court and after verification of the same, if



found eligible, admit the petitioner to the next level selection process of appointment to the posts of Sub Inspector of Police (Taluk, Armed Reserve [Men & Women/Transgender] & Tamilnadu Special Police [Men]-2019 as per Advertisement No.2/2019 dated 08.03.2019 issued by the 1st respondent on the basis of the petitioner's representation, dated 12.06.2020.

2.The respondent Recruitment Board has issued notification No.2/2019 dated 08.03.2019 inviting applications for the direct recruitment for the post of Sub Inspector of Police '2019. Pursuant to the said notification, the petitioner applied for the said recruitment. Accordingly, as per the selection procedure, he participated in the written examination. In the written examination, which is an objective type, 140 questions were totally asked, each question carry 0.50 marks and the total marks is 70. According to the petitioner, he has written correct answer for 96 questions, thereby he should have been awarded 48 marks out of 70. That apart, in respect of Q.Nos.49, 109 and 120, though he claimed to have written the correct answers, according to the final key answer for D series question paper, which he attended issued by the Recruitment Board, his case is that, even that three questions also should have been awarded marks, as he claimed to have written correct answers.

3. Be that as it may, now the main grievance of the petitioner is that, assuming that the three questions mentioned above are also not eligible to get marks, even then, he would be able to get 48 marks for the 96 questions, since he claimed to have answered 96 questions correctly.

4. In this context, it is the further case of the petitioner that, in the final selection list issued by the respondents dated 16.03.2020, under the Scheduled Caste category, as the petitioner also belongs to Scheduled Caste Community, those who got 48 marks have been selected and in this regard, he relied upon the list of candidates issued by the respondents dated 16.03.2020, where more than 30 candidates, who got 48 marks out of 70, have been included in the selection list under the Scheduled Caste category. Therefore, on that ground, the petitioner has given a representation to the respondents on 12.06.2020, whereby, he sought for the OMR answer script and also consequently wants to award marks for all the 96 questions, since he claimed to have answered correctly. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition with the above said prayer.

5. Heard the learned counsel for the petitioner, who would submit that, insofar as the 96 questions, he claimed to have answered correctly, if $\frac{1}{2}$ a mark is awarded to each question, his grant total would be 48 marks and if 48 marks are awarded, the petitioner would have been in the zone of



consideration in the selection list, as number of Scheduled Caste category candidates, who got 48 marks out of 70, found place in the said selection list released by the respondents dated 16.03.2020.

6. I have heard the learned Additional Advocate General assisted by the learned Additional Government Pleader, who, as per the oral instructions over phone, received from the respondent Recruitment Board, would submit that, the petitioner obtained 46 marks out of 70 marks. Therefore, the said 46 marks have been awarded to the petitioner based on the correct answers, he has written in the answer book. The learned Additional Advocate General would further submit that, if at all the petitioner's grievance is that, he has written correct answer for 96 questions, as he mentioned in the representation, for which, he expected marks, the respondents would be ready to provide the OMR answer sheet to the petitioner and after verifying the same, if any of the questions, despite the same having been correctly answered by the petitioner, marks were not awarded, he can bring it to the notice of the respondents and accordingly, his grievance can be redressed.

7. I have considered the said submissions made by the learned counsel for the petitioner as well as the learned Additional Advocate General appearing for the respondents.

8. Admittedly, in the zone of consideration for Scheduled Caste candidates, those who got 48 marks have been selected. In the case of the petitioner, as per the instructions available to the learned Additional Advocate General from the respondents, the petitioner got 46 marks. However, he claimed that, for 96 questions, he has written correct answers, if all the 96 questions, as mentioned by him in the representation, are correctly answered, despite the same, if any mark is left out, the same can very well be verified by the petitioner on seeing the OMR coding sheet and after verification of the same, if he is able to point out that any of the correct answer written by him has not been evaluated properly and marks were not awarded, the same can be very well brought to the notice of the respondents for rectification. At any rate, since the grievance of the petitioner can only be addressed to the first respondent after the self-satisfaction of the petitioner, on going through the OMR coding sheet and making his verification as to whether he has written 96 questions correctly as claimed by him or he has written only 92 questions correctly, for which, 46 marks alone were awarded to him and accordingly, he can bring to the notice of the respondents, if any discrepancy reportedly found out, after verifying the OMR coding sheet of the petitioner.

9. In such view of the matter, this Court is inclined to dispose of the writ petition with the following order:

"That the respondent shall provide the OMR coding sheet of the petitioner for the aforesaid recruitment of 2019 by considering the



representation of the petitioner dated 12.06.2020 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, it is open to the petitioner to verify the OMR coding sheet comparing with the final key answer provided by the respondents and still the petitioner has got any grievance, in other words, if he find any discrepancy of awarding marks for any of the question he correctly answered, the same can very well be brought to the notice of the respondents forthwith and if any such discrepancy the petitioner is able to point out, after seeing the OMR coding sheet, the respondents shall look into the same and redress the same within a reasonable time and accordingly pass orders.

10. With the aforesaid directions and observations, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Member Secretary
Tamil Nadu Uniformed Service
Recruitment Board,
Old Commissioners of Police Office Campus,
Pantheon Road, Egmore, Chennai.
2. The Chairman, Recruitment Sub-committee
Madurai Centre, Deputy Inspector General of Police,
Madurai Range, Madurai.

+1 CC to the SPL GP (SR-16340[F] dated 09/09/2020)

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SJ(CO)

CS(23.09.2020) 4P 4C

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