



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11168 of 2020

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Karthik

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to treat the candidature of the petitioner as eligible for the post of sub Inspector of Police (Taluk, Armed Reserve, Tamilnadu Special Police-2019) in the written test and further direct the respondent to permit the petitioner to take part in the further selection process.

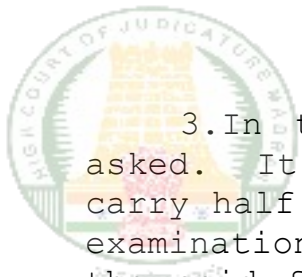
For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.K.Mu.Muthu,
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondent to treat the candidature of the petitioner as eligible for the post of sub Inspector of Police (Taluk, Armed Reserve, Tamilnadu Special Police-2019) in the written test and further direct the respondent to permit the petitioner to take part in the further selection process.

2.The respondent Recruitment Board has issued a notification inviting applications for the post of Sub-Inspector of Police(Taluk, Armed Reserve and Tamil Nadu Special Police) direct recruitment by notification dated 08.03.2019. The petitioner is one of the applicant, who also made application and participated in the selection process.



3. In the written test, there totally 140 questions would be asked. It is an objective type question paper. Each question will carry half a mark ($\frac{1}{2}$ mark). According to the petitioner, after the examinations, the final key answer was published and in respect of the said final key answer, comparing with the answer given by the petitioner, he expects 48.5 marks out of 70 marks. However, he was awarded only 48 marks. In this context, it is the further case of the petitioner that in so far as question No.33 is concerned, though the petitioner has written the correct answer, mark was not given based on the wrong answer given in the final key answer. Therefore, if the question No.33 is taken into account and the right answer written by the petitioner is considered and half a mark is given to the petitioner, the petitioner would get 48.5 marks.

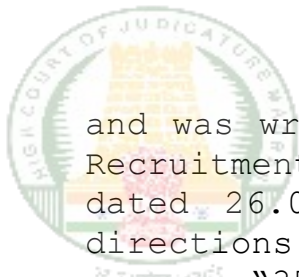
4. It is the further case of the petitioner that he belongs to Backward Class community and the cut off mark for the next stage of selection was 48.5 marks. Therefore, if the petitioner is also able to get 48.5 by adding half mark for the said question No.33 for which according to the petitioner, he has written right answer, he will reach the zone of consideration to reach the next stage of selection. In this regard, he has made representation dated 02.09.2020.

5. The learned counsel for the petitioner would submit that if that representation is directed to be considered and orders are passed there on after verifying the answer written by the petitioner for answer No.33 in A Series answer key, the petitioner would be satisfied.

6. Heard Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.K.Mu.Muthu, Additional Government Pleader, who would submit that, no doubt the petitioner obtained 48 marks out of 70 marks. However he would claim that he had written the correct answer for Question No.33. So far as Question No.33, it is the issue relates to devaluation of money and the issue is already decided by this Court in an order dated 26.08.2020 made in W.P.(MD) No.7197 and 8496 of 2020 and pursuant to the order passed in the said writ petition, the request of the petitioner through his representation dated 02.09.2020 would be considered and after verifying his answer papers, final orders will be passed.

7. I have heard the submissions of both sides and perused the materials placed before this Court.

8. As has been rightly pointed out, the issue is no longer res integra as in respect of Question No.33 relates to devaluation of money since 1947 is concerned, the correct answer is 'three times'



and was wrongly given as four times in the key answer given by the Recruitment Board. It was found to be faulty one and in the order dated 26.08.2020 referred to above, I have given the following directions:

"35. In the result, in view of the aforesaid discussions and factual matrix of the case, this Court is inclined to pass the following orders in these writ petitions:-

(a) the final key answer published by the respondent recruitment Board for Question Nos.47 and 33 respectively for 'A' and 'B' answer booklet series, for the written examination for the selection process to the direct recruitment to the posts of Sub Inspector of Police {Taluk, Armed Reserve (Men & Women/ Transgender) and Tamil Nadu Special Police (Men)-2019} by notification No.2 of 2019 dated 08.03.2019 are declared to be wrong or invalid;

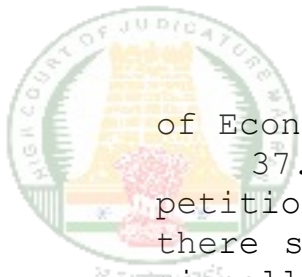
(b) As a sequel, since the petitioners have written correct answers for the said question nos.47 and 33 respectively, they are entitled to get marks (ie.) 0.5 mark for the said question. Therefore, the said 0.5 mark shall be awarded to the petitioner;

(c) Since the petitioners were already awarded 48 marks out of a total of 70 marks and the zone of consideration for the next stage of selection under B.C. Category is 48.5 marks, these petitioners would get 48.5 marks if 0.5 mark is added, as indicated above and certainly, they would also come under the zone of selection. Accordingly, their candidatures shall be selected under the B.C. category for the next stage of selection;

and

(d) After undertaking to carry out the aforesaid exercise within a period of two weeks from the date of receipt of a copy of this order, the respondent Recruitment Board shall do the next follow up action insofar the candidatures of both the writ petitioners are concerned.

36. Therefore parting with the case, this Court wants to give a note of caution to the respondent recruitment Board that, hereafter they must be so cautious and take all vigil to get an expert opinion in any subject matter and in this regard, if one expert opinion is obtained from a Committee consisting of experts, a second expert opinion can also be obtained if so advisable, in order to avoid controversy. This Court expresses its displeasure where in an expert team, consisting of three Teachers, working in the field of Economics, have given wrong advice to the respondent Recruitment Board and this Court is considering that, those experts are not in a position to differentiate the two aspects



of Economics -Devaluation and Demonetization of currency.

37.With these directions and observations, these writ petitions are ordered to the terms indicated above. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."

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9.In view of the aforesaid directions, the request now made by the petitioner dated 02.09.2020 also can be considered, provided if he has written the correct answer for Question No.33 and accordingly pass orders thereon either awarding full mark or rejecting the claim of the petitioner, depending upon the answer and needful shall be undertaken within a period of two weeks from the date of receipt of a copy of this order.

10.With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS)

pnn

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

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

+1 CC to M/s.GP (SR-16337[F] dated 09/09/2020)

W.P. (MD)No.11168 of 2020
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BK(CO)

TR(04.11.2020) 4P 3C

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