

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.05.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 11758 of 2021
and W.M.P.No.12521 of 2021

R.Gowthaman

... Petitioner

-vs-

1. The State of Tamilnadu,
Rep. by the Principal Secretary to Government,
Home (Police) Department,
Fort.St.George, Secretariat,
Chennai - 600 009.
 2. The Chairman,
The Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Chennai - 600 004.
 3. The Director General of Police,
Mylapore, Chennai - 600 004.
 4. The Member Secretary,
The Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Chennai - 600 008.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to award ½ mark to question 53 of B series, in addition to total 80 mark secured by petitioner, and to call the petitioner for Medical Fitness Test and Certificate Verification and consequently appoint him as Sub Inspector of Police through direct recruitment.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.M.Elumalai
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to award $\frac{1}{2}$ mark to question 53 of B series, in addition to total 80 marks secured by the petitioner, and to call the petitioner for Medical Fitness Test and Certificate Verification and consequently appoint him as Sub-Inspector of Police through direct recruitment.

2.The second respondent has issued Notification No.2 of 2019 on 08.03.2019, for the direct recruitment to the post of Sub-Inspector of Police. In the said recruitment process, the petitioner also had been one of the applicants and he has written the written examination, where he has obtained 72 marks in the written examination and 8 marks in viva voce, totally got 80 marks. However, he was not called for the physical verification test because of half mark shortage of the total marks obtained by the petitioner. In other words, according to the petitioner, those who got 80.50 marks i.e., eighty and half marks were called for such physical verification.

3. In this regard, it is the grievance of the petitioner that he has written correct answer for question No.53 as per Key Answer Book. However, mark was not awarded for the said question.

4. In this regard, he has submitted that the said question No.53 carrying 0.5 mark has been dealt with by this Court in W.P.(MD)No.197 of 2021 etc., batch, where it was directed to provide 0.5 marks for the answer written like the petitioner for question No.53 in B answer Booklet.

5. Therefore, if that 0.5 mark was awarded to the petitioner for the said question, his total mark would be enhanced to 80.50, and in that case, he would come within the zone of consideration for the purpose of calling for physical verification and therefore, in this regard, in order to give $\frac{1}{2}$ mark for the question No.53 and subsequently, call for physical verification and further selection process, the petitioner has given a representation on 27.04.2021 to the second respondent. However, the same so far has not been considered. Therefore, the petitioner has approached this Court by filing the present writ petition.

6.Reiterating the aforesaid, the learned counsel for the petitioner seeks indulgence of this Court to issue suitable direction to the second respondent to consider the request of the petitioner and to do the needful on merits within the time frame stipulated by this Court.

7.Heard the learned Additional Government Pleader appearing

for the respondents, who would submit that if at all the petitioner has written the correct answer for the particular question, for which, mark has to be given based on the orders passed by this Court referred to in the aforesaid writ petition, in this regard, the petitioner's representation dated 27.04.2021, would be considered by the second respondent on merits and in accordance with law and accordingly, an order to that effect would be passed within the time frame fixed.

8.I have considered the said submissions and perused the materials available on record.

9.Since the petitioner asserted that question No.53 of B Series, for which, he is entitled for $\frac{1}{2}$ mark and if that mark is added, his total would be 80.50, in that case, the apprehension of the petitioner is that definitely he would come into the zone of consideration.

10. Be that as it may, it is for the second respondent to consider and decide the same on merits and in this regard, the representation given by the petitioner dated 27.04.2021 can very well be considered and decided by the second respondent.

11. In that view of the matter, this Court is inclined to dispose of the writ petition with the following direction:

That there shall be a direction to the second respondent to consider the representation of the petitioner dated 27.04.2021 and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

12.With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

rst/kak

To:

1. The Principal Secretary to Government,
Home (Police) Department,
Fort.St.George, Secretariat,
Chennai - 600 009.
2. The Chairman,
The Tamil Nadu Uniformed Service Recruitment Board,
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+cc to Mr.M.Muruganantham, Advocate, Sr.27190

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SR(CO)
baf 17/05/2021



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