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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11324 of 2020
and W.M.P.No.13809 of 2020

M.Karthikraja

.. Petitioner

vs.

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai 600 008.

... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent to award full marks to the petitioner to question Nos.28,33 in Part - "A" : General Knowledge & 89 and 94 in Part - "B" : Psychology in "B" Series Question Paper in the Written Examination held on 12.01.2020, pursuant to the notification No.2 of 2019 dated 08.03.2019 of the respondent and further direct the respondent to strictly apply 1 : 5 Ratio and call the petitioner under the 10% Sports Quota or M.B.C.(Men) category for the 2nd stage of selection of PMT, ET, PET and Certificate Verification for the Direct Recruitment for the post of Sub-Inspector of Police (Taluk, Armed Reserve- Men & Women/Transgender & Tamil Nadu Special Police (Men)) 2019 in Notification No.2/2019 dated 08.03.2019 of the respondent.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondent : Mr.V.P.R.Elamparithi
Govt.Advocate.

O R D E R

The petitioner has filed this writ petition to direct the respondent to award full marks to the petitioner to the question Nos.28, 33 in Part - A General Knowledge and 89, 91 in Part B Psychology in 'B' series question paper in the written



examination held on 12.01.2020 pursuant to notification No.2 of 2019 dated 08.03.2019.

2. It is the case of the petitioner that by a notification No.2 of 2019 dated 08.03.2019, the respondent Uniformed Services Recruitment Board called for application to fill up the post of Sub Inspector of Police by direct recruitment (Men-688 and Women-Transgender 281). The notification also states that 20% of the total vacancies were reserved for departmental /inservice staff and 10% for persons under the sports quota.

3. It is also the case of the petitioner that 10% out of 969 total vacancies were reserved for sports quota and 485 candidates were in the wait list against the sports quota as per the notification to state that minimum qualification marks in the written examination would be 25 for the Open Candidates and 30 for the Departmental candidates. However total number of candidates who were called for the next stage of the selection process viz., Physical Measured Test (PMT) and Endurance Test (E.T.) and certificate verification would be only 5 times the vacancy. It is the case of the petitioner that the petitioner had secured 35 marks in the written examination. Despite the same, the respondents have not short listed the petitioner against 10% sports quota. That apart , it is submitted that the petitioner is entitled for additional marks the above mentioned question.

4. In this connection, the petitioner has also referred to the counter filed by the respondent wherein they have admitted that the petitioner would have been eligible for half mark as far as the 2nd question i.e. Question No.33 in B Series.

5. It is submitted that if additional marks are awarded to the petitioner, the petitioner could have been short listed for the next stage of selection. However, he has not been selected for the next stage of selection.

6. The learned Government Advocate for the respondent submits that out of 969 vacancies, 97 vacancies were under sports quota and that if the ratio of 1:5 as per the notification was applied, 485 candidates ought to have been called for under the Sports Quota, whereas, only 408 candidates were called and therefore under the sports quota for the next stage of selection



only 77 vacancies were there for being filled up against sports quota. He submits that the as the cut off mark for M.B.C (Men) Category was 37 marks and therefore the petitioner was not entitled for any relief in this petition.

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7. He further submits that the answer key was published in the Tamil Nadu Uniformed Services Recruitment Board Website www.tnusrbonline.org on 14.01.2020. It is further submitted that instruction No.15 in the Hall Ticket issued to the candidates for the written examination, the candidates were informed that they could make representation to the Board (in writing) raising dispute over questions and/or answer along with the material proof on or before 25.01.2020. 761 representations were received from different candidates.

8. It is further submitted that the petitioner also did not send any representation against after the answer key were published in the website. He therefore submits that the petitioner is not entitled to any relief.

9. That apart, it is submitted that the last candidate in MBC quota is ranked at 28973 whereas the petitioner was ranked at 36514 and therefore even otherwise the petitioner was not eligible to be selected .

10. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent. The learned Government Advocate submits that the entire selection process has been completed on 15.04.2021.

11. There is no defect in accepting the stand of the petitioner as far as the first two questions are concerned in the light of the order passed by the Madurai Bench of this Court in W.P.(MD)Nos.7197 and 8496 of 2020 declaring the final key answer published by the TNUSRB as wrong or invalid. The other question for which the petitioner seeks mark is concerned, it is noted that the answers was determined by the experts and therefore the correctness of the answer given by the petitioner cannot be tested under Article 226 of the Constitution of India. That apart the petitioner's rank was 36514 which is not in dispute. Therefore, there is no merits in the present writ petition.



12. Therefore, I do not find any merits in the present writ petition filed by the petitioner. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

kkd

To

The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai 600 008.

+1cc to the Government Pleader, SR.No.53490

W.P.No.11324 of 2020

PL(CO)
CB(21/12/2021)