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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NOS.13870, 9384 AND 9387 OF 2020

AND

W.M.P.NOS.17234, 17235, 20191, 11467, 11468,
11471, 11472, AND 20194 OF 2020

V.Venkatesh, S/o V.Venkataraman

.. Petitioner in W.P.No.13870 of 2020

J.Madanraja, S/o B.Jayaraman

.. Petitioner in W.P.No.9384 of 2020

M.Madhan Kumar, S/o N.Murugesan

.. Petitioner in W.P.No.9387 of 2020

.Vs.

Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Member-Secretary,
Chennai-600 008.

.. Respondent in W.P.No.13870 of 2020

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home (Police) Department,
Secretariat, Chennai-9.
2. The Director General of Police,
Tamil Nadu,
Dr.Radha Krishnan Salai,
Mylapore, Chennai-4.
3. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Chennai-2.

.. Respondents in W.P.Nos.9384 and 9387 of 2020



Prayer in Writ Petition No.13870 of 2020:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the list of general candidates called for "PMT/ET/PET and CV" insofar as it relates to Karur District, quash the non-selection of the petitioner (E.No.1910528) for appearing in PMT/ET/PET and CV and to issue directions to the respondent to rectify all the illegalities in the award of marks and consequently declare the petitioner as 'selected' and include the E.No.1910528 of the petitioner for appearing in all stages of selection proceedings or in the alternative to conduct PMT/ET/PET and CV of all candidates, after the outcome of the enquiry into irregularities in the written test is known, eliminate the persons involved in such scam from the list and include E.No.1910528 of the petitioner for such tests in the light of his performance in the written test.

Prayer in Writ Petition Nos.9384 and 9387 of 2020:

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writs of Declaration declaring the written examination conducted by the third respondent pursuant to Notification (2/2019), dated 08.03.2019 and the publication of the result in RC.No.860/R2/TNUSRB/2019, dated 16.03.2020 is null and void and direct the respondents to conduct fresh examination for the post of Sub-Inspector of Police published by the third respondent in Rc.No.860/R2/TNUSRB/2019, dated 16.03.2020.

For petitioner : M/s.M.Ravi in W.P.No.13870 of 2020

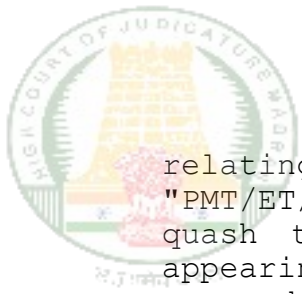
Mr.K.Venkataramani, Senior Counsel for
M/s.M.Muthappan in W.P.Nos.9384 and 9387 of 2020

For respondents: Mr.P.Kumaresn, Addl. Advocate General/
Standing Counsel
in W.P.No.13870 of 2020
and for R-3 in W.P.Nos.9384 and 9387 of 2020

Mr.L.S.M.Hasan Fizal, Addl.G.P. for RR-1 & 2
in W.P.Nos.9384 and 9387 of 2020

COMMON ORDER

Writ Petition No.13870 of 2020 is filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records



relating to the list of general candidates called for "PMT/ET/PET and CV" insofar as it relates to Karur District, quash the non-selection of the petitioner (E.No.1910528) for appearing in PMT/ET/PET and CV and to issue directions to the respondent to rectify all the illegalities in the award of marks and consequently declare the petitioner as 'selected' and include the E.No.1910528 of the petitioner for appearing in all stages of selection proceedings or in the alternative to conduct PMT/ET/PET and CV of all candidates, after the outcome of the enquiry into irregularities in the written test is known, eliminate the persons involved in such scam from the list and include E.No.1910528 of the petitioner for such tests in the light of his performance in the written test.

2. Writ Petition Nos.9384 and 9387 of 2020 are filed praying for issuance of Writs of Declaration declaring the written examination conducted by the third respondent pursuant to Notification (2/2019), dated 08.03.2019 and the publication of the result in RC.No.860/R2/TNUSRB/2019, dated 16.03.2020 is null and void and direct the respondents to conduct fresh examination for the post of Sub-Inspector of Police published by the third respondent in Rc.No.860/R2/TNUSRB/2019, dated 16.03.2020.

3. The petitioners have participated in the recruitment in the selection to the post of Sub-Inspector of Police (Taluk), Armed Reserve (Men and Women) and Tamil Nadu Special Police (Men) - 2019. The petitioners belong to the respective categories of community as claimed by them in the affidavits filed in support of the Writ Petitions. According to them, they have appeared in the written examination which was held on 12.01.2020 in the respective Centres.

4. According to the petitioners, there was large scale irregularities committed in the various Centres at the time of the written examination, particularly, in Chennai, Vellore and Cuddalore Districts. The candidates with continuous enrolment numbers, have been declared as "pass" in the written examination. In the affidavit filed in support of W.P.No.13870 of 2020, the enrolment numbers have also been mentioned in support of the allegation of irregularities happened in those three Centres.

5. According to the petitioners, more than 900 candidates have been selected only from certain Centres, where mass copying was allowed. Therefore, representations were submitted to the respondents to appoint a Committee to enquire into the irregularities and postpone the further selection in the matter. According to the petitioners, the selection process had been riddled with irregularities and hence, the selection must await the outcome of any enquiry to be ordered, and thereafter, a fair



and impartial selection must be conducted to select the candidates. In the said circumstances, the present Writ Petitions have been filed for the reliefs stated supra.

6. In response to the Writ Petitions, the learned Additional Advocate General/Additional Government Pleader have entered appearance for the respondents and filed detailed counter affidavits. They submitted that the entire issue of irregularities alleged in the subject selection, was the subject matter of several Writ Petitions and this Court had granted certain directions therein. In particular, they referred to W.P. (MD).Nos.7599, 7854 and 8065 of 2020 before the Madurai Bench of this Court, by three respective candidates, with similar allegations of mal-practice in the above said written examination. Those Writ Petitions came to be disposed of on 17.08.2020, relevant portion of which is extracted hereunder:

"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



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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 Nau 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 had been 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 / complaints 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



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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."

7. In pursuance of the directions of this Court (extracted supra), an Expert Committee was constituted, vide proceedings dated 29.09.2020, consisting of three persons, each from the rank of Superintendent of Police, Additional Superintendent of Police and Deputy Superintendent of Police. In the meanwhile, one Mr.S.Ashokkumar, the petitioner in W.P.(MD).No.7854 of 2020, had filed appeal in Writ Appeal(MD).No.865 of 2020 before the Madurai Bench of this Court, as against the above extracted common order dated 17.08.2020 passed in W.P.(MD).Nos.7599, 7854 and 8065 of 2020, and pending the above Writ Appeal, he has also sought stay of all further proceedings in the Notification No.2/19. A Division Bench of this Court (Madurai Bench), disposed of the above said Writ Appeal with the following directions:

"2. Pursuant to the order passed by this Court dated 17.08.2020, in W.P.(MD). Nos.7599, 7854 and 8065 of 2020, a Committee has been formed by the Tamil Nadu Uniformed Services Recruitment Board and the said Committee is looking into the allegations made by the appellant.

3. Though the Writ Appeal has been filed seeking to set aside the order dated 17.08.2020, the learned counsel for the appellant confines his prayer for



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modification of the said order, if the Department has come forward to conduct an enquiry by appointing a High Level Committee which has also been constituted and a report has to be submitted within three months. If any appointment is made in the interregnum period, it would affect the interest of the appellant and the very purpose will be frustrated and therefore, he sought for modification of the earlier order that if any appointment is made, the same shall be subject to the outcome of the enquiry.

4. The learned Additional Advocate General appearing for the respondents submitted that only based on the consent given by the parties, this Court passed the order dated 17.08.2020 in W.P.(MD).Nos.7599, 7854 and 8065 of 2020, and the learned Additional Advocate General has also produced the proceedings of the Chairman, TNUSRB, Chennai, in which, an Expert Committee has been constituted to enquire into the allegations about the recruitment of Sub-Inspector of Police--2019.

5. The learned Additional Advocate General undertakes that the enquiry will be conducted by the Committee. In view of the same, the recruitment process is allowed to proceed. However, no final selection order will be published and no appointment order will be issued till the enquiry process is over and the report is published. The selection list would be subject to outcome of the enquiry.

6. Recording the abovesaid submission, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed."

8. In the meanwhile, the Expert Committee which was appointed to go into the allegations of irregularities, had completed its enquiry and concluded in its report that the written examination was conducted in a fair and transparent manner and a comprehensive report was also submitted on 09.11.2020 to the respondent-Tamil Nau Uniformed Services Recruitment Board. On the basis of the Expert Committee's



report, the Board arrived at a decision and passed proceedings dated 10.11.2020. The comprehensive report of the Expert Committee was also sent to the Registrar (Judicial) of this Court at Madurai Bench on 13.11.2020 in a sealed cover.

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9. In view of the above development, the present Writ Petitions cannot be countenanced both in law and on facts.

10. The issue involved in the present Writ Petitions, is no more open to further contest and the same has been concluded by the above stated proceedings.

11. This Court, is entirely in agreement with the submissions made on behalf of the respondent-Board. This Court has already taken note of the Expert Committee's report in this regard and the litigation(s) pertaining to it, had been disposed of by this Court finally.

12. In the above circumstances, the present allegations are also part of the investigation conducted by the Expert Committee and its report has also been submitted, holding that there was no irregularity in the written examination. When once the Expert Committee's report has been accepted by this Court and the litigation/Writ Appeal having also been disposed of, as extracted supra, no further orders are necessary as far as the present Writ Petitions are concerned..

13. Accordingly, the present Writ Petitions stand dismissed as being covered by the earlier orders/judgment of this Court as aforementioned and extracted supra.

14. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

CS

To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai-600 009.



2. The Director General of Police,
Tamil Nadu,
Dr.Radha Krishnan Salai,
Mylapore, Chennai-600 004.

3. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Chennai-600 002.

4. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Chennai-600 008.

+2ccs to Mr.M.Muthappan, Advocate, S.R.No.65706,65707

W.P.Nos.13870, 9384 and 9387 of 2020

PM(CO)
PM/29/12/2021