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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.19242 OF 2020

AND

W.M.P.NO.23831 OF 2020

G.Elangovan

... Petitioner

.Vs.

1. The Secretary to Government,
Home (Police III) Department,
Fort St.George,
Chennai - 9.
2. The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Old Commissioner's Office Complex,
Pantheon Road, Egmore,
Chennai- 8.

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to award 0.5 marks to the petitioner for question No.74 in Question paper booklet series " C" book and further direct the respondents to issue necessary call letter for attending an interview for selection to the post of Sub-Inspector of Police for the year 2019 for the Enrolment No.2250039.

For Petitioner : Mr.K.Venkatramani
Standing Counsel
For Mr.M.Muthappan

For Respondents : Mr.L.S.M.Heasan Fizal
Government Advocate



O R D E R

By an interim order dated 02.09.2021, the respondents were directed to file a coding sheet of the petitioner in a sealed cover.

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2. The petitioner participated in a competitive exam through the 2nd respondent Tamil Nadu Uniformed Service Recruitment Board for direct recruitment to the post of Sub-Inspector of Police where about 20% of vacancies were reserved for inservice candidates.

3. It is submitted that the petitioner belongs to MBC denotified community and cut off marks fixed in the written examination was 67 for the next stage of selection whereas the petitioner scored 70.0 marks. It is submitted that question No.74, in C series was the subject matter of controversy.

4. Earlier W.P.No.8675 of 2020 was filed before this Court by one M.Ravi regarding question no.74 in 'C' Series.

5. The question was referred to an expert committee by this Court. The Expert Committee stated that Annexure 'D' was the correct answer for question No.74 in 'C' Series but by oversight, in the key answer it was mentioned as 'A'. This was admitted by the respondent/Board in the counter filed in the said writ petition. Hence the candidates who answered 'D' in question paper answer booklet 'C' were given additional marks.

6. It is therefore the case of the petitioner that the petitioner is entitled for 1/2 additional marks. It is further stated that names of 66 candidates were included in the list who were granted 1/2 marks for Question No.74 whereas the petitioner who had correctly answered 'D' for Question No.74 in 'C' series, 0.5 marks was not awarded to the petitioner.

7. Appearing on behalf of the learned Senior counsel for the petitioner submits that the petitioner is entitled for 1/2 marks as the petitioner is the senior in age among the other candidates belonging to MBC was therefore entitled for preference in appointment.

8. The respondent in their counter has stated that the petitioner has ticked option 'B' and not option 'D' stated in the affidavit filed in support of the writ petition. It is therefore submitted that the writ petition is liable to be dismissed.

9. The sealed cover of the coding sheet of the petitioner was opened. The petitioner has ticked 'B' as against question



No.74 which confirms stand in the counter filed by the respondent. Relevant portion of the said counter which reads as follows:-

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" 12. It is submitted that the petitioner has stated in his writ petition that the answer to the question No.120 in the final answer key published by the Board as option 'C' or 'D' is wrong. He claims option 'B' to be correct. In this regard, 12 representation disputing the answer to the question No.120 were received after hosting the preliminary key answer which was option 'B'. The expert committee after analyzing the disputes concluded the answer as option 'C' or 'D' and hence the request of the petitioner to award him appropriate marks cannot be conceded."

10. Thus, no case has been made out to the petitioner for grant of additional 1/2 marks. Therefore, this writ petition is liable to be dismissed and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS DIGITS)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Secretary to Government,
Home (Police III) Department,
Fort St. George,
Chennai - 9.
2. The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Old Commissioner's Office Complex,
Pantheon Road, Egmore,
Chennai - 8.

+1cc to the Government Pleader, S.R.No.52760

W.P.NO.19242 OF 2020

KG(CO)
PBS/26/11/2021