



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.956 of 2010

and

M.P(MD)No.2 of 2010

- 1.The Secretary to Government,
Home (Police IV) Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director General of Police/Chairman,
Tamil Nadu Uniformed
Services Recruitment Board,
Anna Salai, Chennai-600 002.
- 3.The Director General of Police,
Dr.Radhakirshnan Salai,
Mylapore, Chennai -600 004. ... Appellants / Respondents

Vs.

C.Balamurali ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 23.12.2009 made in W.P(MD)No.13651of 2009.

Prayer in WP(MD). 13651 of 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the respondents to grant marks to the petitioner for recruitment of Sub Inspector of Police, 2006 based on the order made in W.P.No.4509 of 2009 to 4518 of 2009, W.P.No.7411 to 7418 of 2009, W.P.No.17196 to 17198 of 2009, W.P.No.10752 to 10764 of 2009 dated 4-11-2009 and to conduct viva-voce test to the petitioner and appoint the petitioner for the post of Sub Inspector of Police in the available vacancies as on the date of interview with consequential service and monetary benefits.



For Appellants : Mr.K.P.Narayanakumar,
Special Government Pleader

For Respondent : Mr.D.Sadiq Raja

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JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is preferred, challenging the order, dated 23.12.2009 made in W.P(MD)No.13651 of 2009.

2. Brief facts of case are as follows:

The writ petition was filed by an unsuccessful candidate for the Post of Sub-Inspector of Police (Men-Backward Class Quota), seeking a direction to the authorities to add marks to the petitioner for recruitment to the post of Sub-Inspector of Police-2006 and to select and appoint the petitioner under Backward Class category. The said writ petition was allowed by the learned single Judge on 23.12.2009 issuing certain directions. Aggrieved by the same, the above writ appeal is filed by the official respondents including the Tamil Nadu Uniformed Service Recruitment Board(TNUSRB).

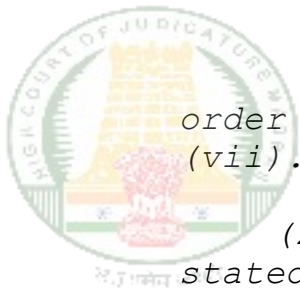
3. Heard the learned Special Government Pleader appearing for the appellants and perused the materials available on record.

4. The similarly placed persons like the respondent / writ petitioner were also given a direction to be considered for the selection and appointment as Sub-Inspector of Police. Upon challenge in the writ appeals, in the judgment dated 16.08.2011 in W.A(MD)No.472 of 2010 etc., batch, the decision of a Division Bench of this Court in **Secretary to Government, Home (Police) Department, Fort St. George, Chennai and others .VS.. A.Eswaramoorthy and others** reported in **2011(1) MLJ 1313**, was referred to, wherein, the writ appeals filed by the Government are allowed setting aside the directions given by this Court earlier, holding that there is no serious lapse on the part of the Government and that it was not a deliberate act. Therefore, there was no necessity for awarding marks in those cases where the key answers were found to be incorrect. The Special Leave Petitions filed by the writ petitioners were also dismissed. The Division Bench in the cited judgment had observed as follows:

"32. In fine,

(1)The appeals filed by the government are allowed

<https://hcservices.courtsofindia/hcservices> set aside the directions given in the impugned



order in para 24(i) to (iv) except para 25(vi) and (vii).

(2) As far as 23 old candidates are concerned, as stated above, the list provided by the Advocate General would disclose that revaluation was done and out of 23 candidates 10 candidates are found to be eligible for appointment. Accordingly, they are directed to be appointed subject to usual formalities."

5. In yet another case, the Division Bench of this Court, vide judgment, dated 12.03.2013 in W.A(MD)No.1093 of 2011, has pointed out that for the vacancies as on 31.12.2004, notification was issued on 19.07.2006 for recruitment, examination was conducted on 20.05.2007; the results were published on 17.07.2007; final selection list was published on 20.12.2007; the first batch of candidates were sent for training in January, 2008; and the second batch of candidates were sent for training in June, 2008 and the entire process was completed for the recruitment pursuant to the notification issued in the year 2006. Hence, considering the decision of the Division Bench reported in **2011(1) MLJ 1313**(cited supra), the writ appeals were allowed.

6. No doubt, the facts of the present case are similar to the facts in the above decision reported in **2011(1) MLJ 1313**(cited supra).

7. In view of the decision of the Division Bench (cited supra), the Writ Appeal stands allowed and the order of the learned Single Judge is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2021

Sub Assistant Registrar(CS)

vsn

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

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Anna Salai, Chennai-600 002.

3.The Director General of Police,
Dr.Radhakirshnan Salai,
Mylapore, Chennai -600 004.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-2683[F] dated
01/02/2021)

+1 CC to M/s.GP (SR-3080[F] dated 03/02/2021)

JUDGMENT MADE IN
W.A(MD)No.956 of 2010
01.02.2021

ES(CO)
TR(17.02.2021) 4P 6C