



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.8227 of 2021

WEB COPY

S.Eben Christopher

... Petitioner

-Vs-

Tamil Nadu Uniformed Services Recruitment Board,
Rep. by Superintendent of Police,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.R-4/1149/2021, dated 29.03.2021 on the file of the respondent and quash the same as illegal and consequently to direct the respondent to extend the benefit of the revised final key answer to Question No.120 in the Written Examination Question Booklet "D" series for Departmental Recruitment for the posts Sub-Inspector of Police, Armed Reserve (Men & Women/Transgender) and Tamil Nadu Special Police (Men)-2019 as per the order in WP(MD)No.12377 of 2020, dated 16.02.2021 and award of ½ mark for the petitioner's answer to the Question No.120 in addition to the total marks already awarded to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For Respondent : Mr.K.Chellapandian
Additional Advocate General
Assisted by
Mr.C.Ramesh,
Special Government Pleader

ORDER

This Writ Petition is filed to call for the records pertaining to the impugned order in Na.Ka.No.R-4/1149/2021, dated 29.03.2021, on the file of the respondent and quash the same as illegal and consequently, direct the respondent to extend the benefit of the revised final key answer to Question No.120 in the Written Examination Question Booklet "D" series for Departmental Recruitment for the posts of Sub-Inspector of Police, Armed Reserve (Men & Women/Transgender) and Tamil Nadu Special Police (Men)-2019, as per the order in WP(MD)No.12377 of 2020, dated 16.02.2021 and award of ½ mark for the petitioner's answer to Question No.120 in addition to the total marks already awarded to the petitioner within the time to be stipulated by this Court.



2. Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.C.Ramesh, learned Special Government Pleader, takes notice on behalf of the respondent.

3. According to the petitioner, in pursuant to the notification, dated 08.03.2019 issued by the respondent calling for online applications for direct recruitment for the post of Sub-Inspector of Police, Armed Reserve (Men & Women/Transgender) and Tamil Nadu Special Police (Men)2019. The petitioner applied for the same under Departmental Recruitment Category. The petitioner written the examination, which was held on 13.01.2020. The Question Booklet 'D' series was given to the petitioner. Preliminary answer Key was published in the month of January 2021. As per the preliminary key answer, the petitioner calculated his answers and was hopeful of getting 70.5 marks out of 85 marks in the written examination. In the month of March, the respondent published final key answer, in which, the answer for Question No.120 was changed. The respondent published the result of written examination. The petitioner secured 70 marks. He belong to BC Category and the cut-off mark for the BC category is 70.5 marks for the final interview. For a shortage of 0.5 marks, the petitioner was not called for final interview. In the preliminary key answer, '(b).No' was given as the correct answer to question No.120. The petitioner had written the said answer and he has no objection to the preliminary key answer. Subsequently, it was changed in the final key answer as option C or D. Thus, the petitioner lost 0.5 marks for question No.120. The persons, similarly placed, like that of the petitioner, filed a writ petition in W.P(MD)No.12377 of 2020 with regard to Question No.120 and five other persons are also filed writ petition with regard to other questions. This Court, by the order, dated 16.02.2021, directed the respondents to apply final key answer as declared correct in the writ petitions therein to all the candidates and to revise the entire selection list. The learned counsel for the petitioner submitted that in the order itself, there is a direction to the respondents to revise the selection list as per final key answer declared to be correct. In such circumstances, the petitioner gave representation to the respondents to grant 0.5 marks for his answer to Question No.120 'D' series. By the impugned order, dated 29.03.2021 the respondent rejected the same. Challenging the said impugned order, the petitioner has come out with the present writ petition.

4. The learned counsel for the petitioner further submitted that the order of this Court, dated 16.02.2021 in W.P(MD)No.12377 of 2020 is applicable to the petitioner also and the petitioner is entitled to 0.5 marks. If 0.5 marks is ordered, his total marks will be 70.5 marks and he will be entitled for interview and prayed for setting aside the order of the respondent.



5. The learned Additional Advocate General appearing for the State submitted that the respondent floated the preliminary key answer on 04.01.2021 and requested objections upto 25.01.2021 and the final key answer was floated on 16.03.2021. The petitioner has not approached the respondent in time and the entire selection list is over and provisional selection list was also published on 15.04.2021 and the order relied on by the learned counsel for the petitioner in W.P(MD)No.12377 of 2020 is not applicable to the facts of the present case and prayed for dismissal of the writ petitioner.

6. From the materials on record, it is seen that the petitioner is relying on the order of this Court, dated 16.02.2021 made in W.P(MD)No.12377 of 2020, wherein, this Court directed the respondent to grant 0.5 marks for the Question No.120 as correct answer is 'b', as mentioned in the preliminary key answer. This Court given such direction after considering the report of the 'One Man Committee' and directed the respondent to give 0.5 marks and to revise the selection list. In the very same order, this Court made it clear that a direction given in the said writ petition will be applicable only to the petitioners therein and it will not be appropriate the consideration of similarly placed persons. This Court has passed such an order only to give finality to the selection process. The respondent cannot consider the representation of the candidates as and when they approached the respondent according to their whims and fancies. The candidates must be vigilant enough to get their right as the other candidates who have approached this Court earlier. The respondent has considered the order of this Court in a proper perspective and rejected the representation of the petitioner.

7. In view of the submission of the learned Additional Advocate General that already entire selection process was over and provisional selection list was published on 15.04.2021 and order passed by this Court in W.P(MD)No.12377 of 2020 there is no error in the impugned order, warranting interference by this Court.

8. In the result, the writ petition stands dismissed. No costs.

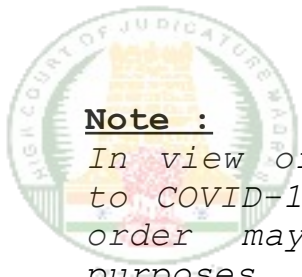
Sd/-

Assistant Registrar (CO)

/ True Copy/

/ /2021

Sub Assistant Registrar(CS)



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

Tamil Nadu Uniformed Services Recruitment Board,
Rep. by Superintendent of Police,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

+1 CC to M/s.S.LOUIS, Advocate (SR-17277[F]
dated 23/04/2021)

+1 CC to M/s.SPL GP (SR-17185[F] dated 22/04/2021)

W.P. (MD) No.8227 of 2021

21.04.2021

SSI (06.05.2021) 4P 4C