



W.P.(MD)No.9539 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9539 of 2021

and

W.M.P(MD)No.7285 to 7287 of 2021

S.Ashokkumar

... Petitioner

Vs

1.The Director General of Police / Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai – 600 008.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
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 praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents in respect of the notification issued by them under the proceedings No.02/TNUSRB/2019 dated 08-03-2019 for the direct recruitment to the posts of Sub-Inspector of Police (Taluk, Armed Reserve and Tamilnadu Special Police) 2019 and the consequential Expert Committee report submitted by the Expert Committee under the proceedings R.C.No.D1/3925/2020 dated



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17-09-2020 & 29-09-2020 and C.No.12/SP1/Camp/TNUSRB/2020 dated 18-09-2020 and C.No.D1/1032/2020 dated 15-03-2021, as illegal, unsustainable and consequently directing the respondents to issue fresh notification for the Direct Recruitment to the post of Sub-Inspector of Police (Taluk, Armed Reserve and tamilnadu Special Police) within a period of time as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.S.P.Maharajan
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents.

2. The writ petitioner applied in response to the notification issued by Tamil Nadu Uniformed Services Recruitment Board (TNUSRB) on 08.03.2019, calling for applications from eligible candidates for the post of Sub-Inspector of Police. He was not selected. Alleging that the recruitment process was vitiated by irregularities, he filed W.P(MD)No.7854 of 2020. The said writ petition was taken up along with two other writ petitions and vide order dated 17.08.2020, the writ petitions were disposed of with the following directions:



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“10.Accordingly, these writ petitions are disposed of with the following orders:

(i)The respondents, especially, the Tamil Nadu Uniformed Services Recruitment Board shall take into account the requests/complaints/representations made by the petitioners with supporting documents with regard to <http://www.judis.nic.in> W.P.(MD) Nos.7599, 7854 and 8065 of 2020 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/complains 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



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report to the Recruitment Board, based on which, the 3rd
<http://www.judis.nic.in> W. P.(MD) Nos.7599, 7854 and 8065 of
2020 respondent can take a decision and pass final orders as
indicated above.

(iii)While deciding the same 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.”

3. Pursuant thereto an Expert Committee was constituted and it submitted its report holding that the allegation of the writ petitioner are without merit. The said report is challenged in this writ petition. The petitioner also wants the Board to issue fresh recruitment notification. The respondents have filed a detailed counter affidavit controverting the allegations made in the affidavit in support of the writ petition.

4. The learned counsel for the petitioner and the learned Additional Advocate General for the respondents reiterated the contentions set out in the respective pleadings. After a careful consideration of the rival contentions, I



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am of the view that the relief sought for by the writ petitioner cannot be granted. The petitioner has catalogued certain circumstances which according to him establish that the recruitment process was not conducted in a proper manner. In fact these allegations were made in the previous round of litigation itself. It was rightly felt that the allegations made by the writ petitioner cannot be probed by this Court and that only an expert body can go into the same. The report of the Expert Committee has been made available. A mere perusal of the Expert Committee report would show that each allegation made by the writ petitioner has been dealt with. As many as 69 documents and articles such as 45 DVDs, 3 Pendrives were analysed. The OMR answer sheets were carefully examined. The examination venue Incharge Officers, Supervisors, Hall Invigilators were summoned for enquiry. The Expert Committee comprised Superintendent of Police, Assistant Superintendent of Police and Deputy Superintendent of Police. They have finally come to the conclusion that there is no truth in the petitioner's accusations. As already noted, this conclusion has been arrived at after detailed analysis of the materials on record. In the very nature of things, it is not possible for this Court to conduct another round of factual probe. I accept the Expert Committee report.

5. At the same time, I must observe that TNUSRB must conduct the recruitment process in such a way as not to give any room for making such



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allegations. The primary source of grievance appears to be that candidates who got coached or trained in a particular Institute or Academy have been able to make it. I, therefore, called upon the learned counsel for the petitioner to offer his suggestions. The learned counsel filed a detailed note on 26.09.2022 containing as many as 15 suggestions. The Member Secretary, TNUSRB has filed a reply indicating that many of the suggestions made by the learned counsel for the petitioner are not feasible of compliance. I may remark at this stage that TNUSRB ought not look at the matter from an adversarial perspective. The candidates must be advised to apply independently and not through their Institute. Allotment of Registration Numbers must be on a random basis so that those who have taken coaching in a particular Academy are not assigned continuous Registration Numbers. Utmost care must be taken to ensure that the invigilators were not associated with the coaching academies in the past.

6. Since in the examination conducted by the TNUSRB for the post of Sub-Inspector of Police, in-service candidates also participate, it is better to involve invigilators from outside the Department also. The entire selection process including the written examination and the physical test should be videographed and CCTV cameras should be installed in all examination



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centres and physical test centres. Secrecy of the duty chart must be maintained and it should be released only at the appropriate time. It is for TNUSRB to ensure that the entire process is conducted in a fair and transparent manner so that not even a whiff of allegation is made in the future.

7. This writ petition is dismissed with the aforesaid observations. Consequently, connected miscellaneous petitions are closed. No costs.

18.10.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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