



WEB COPY

W.P.No.33957 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.33957 of 2012

J.A.Kelistus Rajkumar

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home Department,
Fort St. George, Chennai – 600 009.

2. The Director General of Police (L&O),
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

3. The Director General of Police / Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board, Anna Salai, Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise and refix the petitioner's seniority after awarding two marks to the right answers marked by him in the written test and change his category from Sub-Inspector of Police (Armed Reserve) to Sub-Inspector of Police (Taluk).

For Petitioner : Mr. C.Karthik
for Mr. K.Rajasekaran

For R1 & R2 : Mr. Ameetius



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For R3

: Mrs. Sowmidattan

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to revise and re-fix the seniority of the petitioner, after awarding two marks to the right answers marked by him in the written test and change his category from Sub-Inspector of Police (Armed Reserve) to the Sub-Inspector of Police (Taluk).

2. It is the case of the petitioner that in response to a notification dated 19.07.2006 issued by the Recruitment Board, inviting applications for the post of Sub-Inspector of Police, the petitioner had submitted an application as an in-service candidate in respect of 20% quota and in the said selection process, the petitioner herein was selected as the Sub-Inspector of Police (Armed Reserve) and accordingly, he was appointed as such by an order dated 20.12.2007. He underwent the training for the said post as well. Thereafter, in the year 2012, the petitioner claiming that in the written test appeared by him, he was awarded two marks less by erroneously treating the answers in respect of the Question Nos.11 and 38 as wrong and he was



selected to the post of Sub-Inspector of Police (Armed Reserve) instead of Sub-Inspector of Police (Taluk) and seeking award of two marks for the said questions and for allotment to the Sub-Inspector of Police (Taluk) and fixation of his seniority, the petitioner approached this Court by filing the present Writ Petition.

3. It is brought to the notice of this Court by the learned counsel appearing for the respondents that under the similar circumstances and in respect of the very same recruitment process, some of the candidates, on earlier occasions, have approached this Court by filing a batch of Writ Petitions in W.P.Nos.4509 of 2009 etc., batch seeking the relief of awarding additional marks and for other consequential benefits. Though initially, the said batch of Writ Petitions were allowed by this Court by an order dated 04.11.2009, however, the said order of the learned Single Judge was set aside by learned Division Bench of this Court in W.A.No.1719 of 2010 etc., batch on the ground of delay in approaching this Court. A copy of the said order is placed before this Court. It is also further brought to the notice of this Court that the said order of the learned Division Bench of this Court dated 23.12.2010 is also refused to be interfered with by the Hon'ble Apex Court in



SLP (C) Nos.36358 of 2011 by order dated 19.01.2015. It is also further brought to the notice of this Court that another learned Division Bench of this Court in W.A.No.2278 of 2012 also passed a similar order.

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4. This Court has carefully gone through the orders passed by the learned Division Bench of this Court and after having gone through the same, it is noticed that the Writ Petitions that were filed as early as in the year 2009, in respect of the recruitment that took place in the year 2007 were considered as belated and the same were dismissed. In the case on hand, the petitioner herein was appointed as Sub-Inspector of Police (Armed Reserve) as early as in the year 2007, but for the first time the petitioner has approached this Court by filing the present Writ Petition in the year 2012.

5. In the light of the above and the decisions of the learned Division Bench, this Court is left with no other option except to treat this Writ Petition as belated and accordingly following the said decision in W.A.No.1719 of 2010, this Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.



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skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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