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W.P.No.11671 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

**Writ Petition No.11671 of 2021**  
**and W.M.P.Nos.12421, 12422, 12423 & 12425 of 2021**

1.S.R.Sivamaharajan  
2.Arul Jenish  
3.K.Paulraj

... Petitioners

Vs.

1.The State of Tamil Nadu,  
Rep. by the Secretary to Government (Home-III),  
Home Department,  
Fort St.George,  
Chennai – 600 009.

2.Tamil Nadu Uniformed Services Recruitment Board,  
Rep., by its Member Secretary,  
Old Commissioner of Police Office Complex,  
Pantheon Road, Egmore,  
Chennai – 600 008.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the final selection list dated 15.04.2021 for the posts of Sub Inspector of Police (Taluk, Armed Reserve (Men & Women/Trans Gender) & Tamil Nadu Special Police (Men)) – 2019 pursuant to Notification



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No.2/2019, dated 08.03.2019 issued by the second respondent and quash the same and consequently issue a direction to the respondents to re-conduct the oral test for the posts of Sub Inspector of Police pursuant to Notification No.2/2019, dated 08.03.2019 issued by the second respondent.

For Petitioners : Mrs.Nalini Chidambaram,

For Respondents : Mr.P.Kumaresan,  
Additional Advocate General  
Assisted by  
M/s.D.Sowmi Datton,  
Standing Counsel

### **ORDER**

This writ petition has been filed by the petitioners seeking to call for the records pertaining to the final selection list dated 15.04.2021 for the posts of Sub Inspector of Police (Taluk, Armed Reserve (Men & Women/Trans Gender) & Tamil Nadu Special Police (Men)) – 2019 pursuant to Notification No.2/2019, dated 08.03.2019 issued by the second respondent and quash the same and consequently issue a direction to the respondents to re-conduct the oral test for the posts of Sub Inspector of Police pursuant to Notification No.2/2019, dated 08.03.2019 issued by the second respondent.

2. The case of the petitioners is that the second respondent has issued a Notification No.2 of 2019 dated 08.03.2019 for direct recruitment to the posts



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of Sub Inspector of Police (Taluk, Armed Reserve (Men & Women/Transgender) & Tamil Nadu Special Police (Men)) – 2019 and the total number of vacancies was notified as 969. The petitioners herein have applied for the above said posts of Sub Inspector of Police. The selection consists of three stages i.e., written exam, physical test and interview. Thereafter, examination was conducted and the petitioners have secured the following marks:

| Sl. No. | Name of the Petitioners | Community | Marks obtained in written examination | Marks obtained in physical test | Marks obtained in Viva Voce | Overall Marks |
|---------|-------------------------|-----------|---------------------------------------|---------------------------------|-----------------------------|---------------|
| 1       | S.R.Sivamaharajan       | BC        | 53                                    | 15                              | 6                           | 74            |
| 2       | M.Arul Jenish           | BC        | 52                                    | 15                              | 7.25                        | 74.25         |
| 3       | K.Paulraj               | MBC       | 53                                    | 15                              | 6.25                        | 74.25         |

2.2. The petitioners missed the cut of marks by very small margin. However, it was found that there were lot of malpractices occurred in the written examination and moreover, high marks have been given to certain candidates in the oral interview, in view of the low marks they have obtained in the written exam. Thus, the petitioners could not select to the aforesaid posts. Aggrieved over the same, the petitioners have come forward with the present writ petition by challenging the aforesaid notification dated



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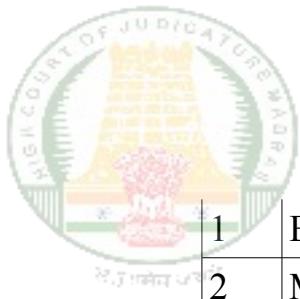
08.03.2019.

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3. Learned counsel for the petitioners submitted that the petitioners have appeared for Viva-Voce and they have granted 6, 7.25 and 6.25 marks out of 10 marks respectively, whereas, some candidates, who have secured less marks in the written examination have been awarded 10/10 marks in the Viva-Voce.

4. Learned counsel for the petitioners submitted that the petitioners have missed the cut of marks by very small margin. The petitioners made enquires on the Viva-Voce, which was conducted for the selection to the posts of Sub-Inspector of Police. A scrutiny of the marks allotted during Viva-Voce showed that by abusing the authority, few candidates at certain centers were awarded very high marks in the Viva-Voce and consequently, the petitioners could not get selected for the posts of Sub-Inspector of Police. The following candidates have secured the following marks in the Viva-Voce for a total of 10 marks:

| Sl. No. | Name of the candidates | User ID | Viva-Voce marks | Total marks |
|---------|------------------------|---------|-----------------|-------------|
|---------|------------------------|---------|-----------------|-------------|



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|   |                 |            |       |       |
|---|-----------------|------------|-------|-------|
| 1 | E.Vasughi       | USRB005205 | 10.00 | 64.00 |
| 2 | M.Vimal Kumar   | USRB051000 | 10.00 | 70    |
| 3 | S.Rajasekaran   | USRB025150 | 10.00 | 79    |
| 4 | T.Marimuthu     | USRB078955 | 9.75  | 80.25 |
| 5 | M.Sathish Kumar | USRB139719 | 9.25  | 82.25 |
| 6 | S.Parameswaran  | USRB044723 | 9.25  | 74.75 |
| 7 | M.Sivakumar     | USRB146466 | 9.50  | 72.50 |

Hence, he prayed this Court to allow this writ petition by quashing the notification No.2 of 2019 dated 08.03.2019.

5. Per contra, learned Additional Advocate General appearing for the respondents submitted that the interview was conducted in a fair and proper manner and in the same recruitment, Madurai Bench of this Court in W.P.(MD).No.9740 of 2021 dated 22.03.2022 has held that the High Court in exercise of the powers of judicial review cannot interfere with such decision taken by the Selection Committee regarding merit assessment made between the candidates. For better appreciation, the relevant portions of the said order is extracted hereunder:

*“15. This Court is of the considered opinion that viva voce is the prerogative of the Selection Committee. The assessment of the Selection Committee regarding comparative merit of the candidates cannot be interfered with by the High*



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*Courts. The Members of the Committee are the appropriate Authority for the purpose of making assessment of suitability and eligibility and also the merit of the candidates. High Court in exercise of the powers of judicial review cannot interfere with such decision taken by the Selection Committee regarding merit assessment made between the candidates. The process of viva voce conducted by the Selection Committee in the present case has been stated in Paragraph No.7 of the counter affidavit filed by the second respondent, which is extracted hereunder:*

*“7.It is submitted that, the DGP/HoPF, Tamil Nadu had nominated Officers in the rank of DGP, ADGP, IGP, DIG and SP for Viva-Voce panel to the recruitment of Sub Inspectors of Police 2019 vide Chief Office proceedings in Rc.No.19252/Rect.II(1)/2019, dated 16.10.2020 and 24.09.2020. The concerned officers were nominated for conducting Viva-Voce at TNUSRB Head Quarters from 17.12.2020 to 07.01.2021. Four Boards were setup for conducting Viva-Voce. Each Board/Panel was headed by Chairman and comprising of three other Members (Police Officers). Each Board also had one Woman Member. Each Board conducted two sessions each day. The morning session commenced from 09.30 hrs and the afternoon session commenced at 14.00 hrs. A total number of 141 (morning 60 + afternoon 81) candidates were called for attending Viva Voce per day. The Chairman and the Members for each Board are randomly drawn by lot method on the date of Viva-Voce by the IGP/Member Secretary in the presence of the ADGP/Member, TNUSRB. Until then the officers (members) will not know in which Board they will sit. A similar random lot*



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*method was also followed for the candidates, through which the candidates get allocated to any of the four interview boards. The very process of assigning of officers and allotment of candidates in a random manner obliterates the possibility of any supposed nexus between them. Each candidate is assessed independently by the Chairman and the members of the Board, who are senior police officials and marks awarded. This is solely based on the conduct and response to the questions by the candidates. The assessment of the candidates is the prerogative of the Chairman and members of the Board. Thus, the VivaVoce was carried out meticulously and ensuring a near foolproof method devoid of human manipulations. Further, the entire process of Viva-Voce was video graphed to avert malpractices and for transparent conduct of the proceedings. The petitioners with no knowledge of the performances of other candidates are flinging unsubstantiated insinuations against the Board. Instead of accepting of their assessment, they are questioning the assessments of other candidates impetuously and recklessly. The petitioners are casting aspersions on responsible senior police officials out of frustration.”*

*16. In such view of the matter, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”*

6. Heard the learned counsel on either side and perused the materials available on record.



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7. In view of the above facts and circumstances of the case and in the light of the order passed by the Madurai Bench of this Court in W.P.(MD) No.9740 of 2021 dated 22.03.2022, this Court is not inclined to quash the notification No.2/2019 dated 08.03.2019, issued by the second respondent.

8. In the result, this writ petition stands dismissed. No costs.  
Consequently, connected miscellaneous petitions are closed.

**25.08.2023** (vm)

Index : Yes/No  
Speaking Order : Yes/No

To:

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**J.SATHYA NARAYANA PRASAD,J.**

vm

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