



W.P.No.10493 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.10493 of 2020

S. Ajith Kumar

... Petitioner

Vs.

1. The Member Secretary
Tamil Nadu Uniformed Services Recruitment Board
Egmore, Chennai – 600 008.

2. The Secretary to Government
Home (Police II) Department
Fort St.George, Chennai 600 009.

3. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai 4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to award one mark to the petitioner for the question no.64 in the written examination which was conducted on 25.08.2019 and direct the respondents to select and appoint the petitioner as Gr-II Police Constable and grant him all consequential service and grant such other further relief.



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For Petitioner : Mr.R.Venkataraman
Senior counsel for
Mr.M.Muthappan

For Respondents : Mrs.C.Meera Arumugam
Addl. Government Pleader for R1 & R3
M/s.D.Sowmi Dattan
Standing Counsel for R2

ORDER

The petitioner has filed this petition seeking for issuance of Writ of Mandamus directing the respondents to award one mark to the petitioner for the question no.64 in the written examination which was conducted on 25.08.2019 and direct the respondents to select and appoint the petitioner as Gr-II Police Constable and grant him all consequential service and grant such other further relief.

2. The learned senior counsel appearing for the petitioner submitted that the Board called for applications for selection and appointment to the post of Grade-II Police Constables, Firemen and Jail Warders by a common recruitment conducted by the Tamil Nadu Uniformed Services Recruitment Board. The petitioner ought to have been awarded one mark for question



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No.64 'a' wherein he has given correct answer, since in the earlier selection, the same question was asked and the respondent Board has held that all the 4 answers are correct and awarded ½ mark to all the candidates and in the present examination also the same question was asked, but the Board has decided to fix the answer as 'd' and thereby the petitioner could not get one mark. If the respondents awarded one mark to the petitioner for the correct answer for question No.64, the petitioner would have got correct marks and he would have been selected for appointment to the post of Gr-II Police Constable. As the denial of appointment to the petitioner is highly arbitrary, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the first and third respondents and the learned counsel appearing for the second respondent submitted that the issue involved in this writ petition is covered by the order of this Court in W.P. No. 8046 of 2020 dated 13.07.2022 and W.P.No.5300 of 2020 dated 15.03.2020 and also covered by a Judgment of Division Bench of this Court made in W.A.(MD).No.1156 of 2020 dated 18.12.2020 wherein the division bench, in Para 3 and 4 held thus:-



“3. The learned counsel for the appellant would submit that for the previous recruitment in the last year, the following question was asked:

79. தனித்து நிற்கும் எழுத்து எது என்பதை குறிக்கவும்

S B M E

A) M B) B C) S D)E

and the answer was given as follows:

Q.No.	Question Booklet Series			
	A – SERIES	B – SERIES	C - SERIES	D - SERIES
79	C	D	A	All correct

The answer was given stating that all four letters namely, “S”, “B”, “M” and “E” were termed to be correct. However, the very same question was asked this year and for the same question, the letter "E" alone was shown to be a correct answer. The Respondent Recruitment Board cannot have two different answers. The appellant marked box-A which means that letter “M” is vowel. To the very same question, two different answers have been given and therefore, the appellant should also be given mark treating the answer given by him as correct

4. However, it is a common knowledge that the vowels in English alphabets are “A, E, I, O, U”. The respondent Board has correctly fixed “E” as vowel, which has been stated in column No.D this year and therefore, the right key answer has been chosen in this year, irrespective of the fact, a wrong answer was fixed last year. The said wrong answer given last year cannot prevent the respondent Board to give the correct



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answer this year. Therefore, the appellant is not entitled to any relief”.

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4. Following the above said judgments of this Court, this writ petition is dismissed. No costs.

24.08.2023

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Index : Yes/No

Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

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