



WEB COPY



W.A.No.3569 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE C. SARAVANAN

W.A.No.3569 of 2024

M.Vembu .. Appellant

Vs.

1. The State of Tamil Nadu
Rep. By the Principal Secretary to Government
Home (Police) Department
Fort St. George, Secretariat, Chennai – 600 009.
2. The Tamil Nadu Uniformed Services Recruitment Board
Rep. By Chairman cum Director General of Police
Old COP Office Campus, Pantheon Road
Egmore, Chennai – 600 008. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order in W.P.No.31662 of 2023 dated 30.11.2023.

For the Appellant : Mr.M.Vignesh Raj
For the Respondents : Mr.M.Venkateswaran
Special Government Pleader

JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court vide order dated 30.11.2023 made in W.P.No.31662 of 2023.



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2. In fact, the impugned order dated 30.11.2023 is a common order, where similar writ petitions were heard and disposed of through the said common order.

3. Before the Writ Court, the plea raised by the writ petitioner appellant, and similarly placed persons who filed separate writ petitions, was that in respect of the written examination conducted by the first respondent for selection to the post of Sub-Inspector of Police, some of the key answers to questions in various types of question papers, like D-Type question paper and B-Type question paper, were, according to them, wrong key answers. Therefore, full marks were ought to be given to those disputed questions. As far as the appellant writ petitioner is concerned, he disputed the Question Nos.7, 24, 91 and 149 of the B-type question paper.

4. When these writ petitions were taken up for hearing by the learned Single Judge, it was brought to the notice of the learned Single Judge that since these kinds of objections have come from various candidates, the first respondent constituted a new Expert Committee, with whom, the issue had been referred.



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5. The new Expert Committee, having gone through all these objections, had ultimately given a recommendation that in respect of three questions, for each question, 0.5 marks may be awarded in addition to the marks already been awarded for other questions. Accordingly, by adding those additional marks as recommended by the new Expert Committee, the writ petitioners therein, including the present appellant, reached the zone of consideration for the next stage, that is the Physical Endurance Test.

6. After having reached the Physical Endurance Test, they also became eligible for viva process and the appellant writ petitioner also attended the viva. Ultimately, the selection list, having been released, where since the writ petitioner appellant has not reached the zone of consideration in the respective communal category as well as the open category, he was not selected. Therefore, he once again turns around and challenges that further additional marks may be given to the questions in B-Type question paper as disputed by him.

7. These aspects, having been considered by the learned Single Judge, were rejected by stating that the new Expert Committee has recommended for awarding 0.5 marks for three



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more questions, which had also been awarded. After getting those marks only, the writ petitioners therein, including the present appellant, reached the next stage, that is the Physical Endurance Test and also the final selection process of viva and when that process took place, the petitioner and others, having accepted the additional marks awarded pursuant to the recommendation made by the new Expert Committee, have not disputed the marks. When that being so, merely because the petitioner was not selected in the final selection process of viva, he cannot challenge once again the alleged questions in B-Type question paper.

8. Therefore, there is absolutely no substance in the said challenge, which in fact has been considered and dismissed by the learned Single Judge, of course rightly, and that approach of the learned Writ Court, in our considered view, cannot be found fault with, as there is no scope for consideration. Resultantly, the appeal fails, hence, the same stands dismissed. However, there is no order as to costs.

(R.S.K., J.) (C.S.N, J)
05.12.2024

Neutral Citation:Yes/No

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To:

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R. SURESH KUMAR, J.
AND
C. SARAIVANAN, J.

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