



W.P.No.13836 of 2020

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13836 of 2020

A.Anandakumar

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep.by its Secretary
Home (Police-III), Department,
The Secretariat, Fort St.George,
Chennai 600 009.

2. The Director General of Police and Chairman,
Tamilnadu uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai 600 008.

2.The Director General of Police (Law and Order),
Office of Director General of Police,
Dr.Radhakrishnan Salai,
Chennai 600004.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent's impugned provisional selection list vide RC.No.850/R2/TNUSRB/2019 dated 04.02.2020 to the posts of Grade II PC (AR & TSP), Jail warder and Fireman 2019, quash the same in respect of



W.P.No.13836 of 2020

category of MBC (PSTM) concerned and consequently direct the 2nd respondent to give post of Grade II PC (AR & TSP), Jail warder and Fireman 2019 under MBC (PSTM) category to the petitioner.

For Petitioner : Mr.P.Saravanan

For R1 & R3 : Mr.M.Rajendran
Add.Govt.Pleader

For R2 : Mr.P.Kumaressan
Addl.Advocate General
Asst.by M/s.D.Sowmi Datlan
Senior Counsel

ORDER

The present writ petition has been filed challenging the impugned provisional list issued by the second respondent dated 04.02.2020 and quash the same and consequently direct the 2nd respondent to give post of Grade II PC (AR & TSP), Jail warder and Fireman 2019 under MBC (PSTM) category to the petitioner.

2. The brief facts of the case are as follows:-

The petitioner belongs to Hindu Valaiyar Community, a Most Backward Community and he completed B.Sc., (Computer Science). The second



W.P.No.13836 of 2020

respondent vide Advertisement No.7/2019 dated 06.03.2019, wherein it is stated that the posts included in grade II PC (AR & TSP), Jail warden and Firemen 2019 and 8888 vacancies in various departments in the said notification.

3. It is further case of the petitioner that the petitioner has applied for the post of Grade II PC (AR & TSP), Jail warder and Firemen 2019 under MBC (PSTM) with necessary enclosures. Thereafter, the petitioner received call letter for written examination as well as physical test. The physical skill test was conducted by the second respondent on 09.11.2019 and certificate verification held on 20.11.2019 and he scored 68 marks in written examination. After issuing final key answer, petitioner has marked correct answer, but the 2nd respondent Board has not considered the petitioner's answer finally they gave 68 marks. Without giving statements, the second respondent has asked questions from question Nos.72 to 75, and the petitioner could have been awarded 72 marks. Thereafter, the petitioner sent a representation to the second respondent to award 4 marks to add in the answer sheet. Till date, no action has been taken by the second respondent. Hence, the petitioner has come forward with the present writ petition.



W.P.No.13836 of 2020

WEB COPY

4. The learned counsel for the petitioner further submitted that the selection should be made out as per G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department dated 27.05.2009 which was issued by P & AR Department. In the above said G.O., it is stated that in the Tamil Nadu State and Subordinate Services, 200 point roster system has to be followed. The second respondent published the impugned selection list through online. Hence, the petitioner was not able to produce the original impugned selection list. Therefore, the impugned selection list published by the second respondent is liable to be quashed.

5. A counter affidavit was also filed by the second respondent on 28.10.2020.

6. The learned Standing counsel appearing for the Tamil nadu Uniformed Services Recruitment Board (TNUSRB) submitted that similar issues have already arisen and answered by this Court in W.P.No.12594 of 2020 dated 20.09.2023. Relevant portion of the said order is extracted hereunder:-



3. However, with regard to question Nos.26 and 43, according to the learned Additional Advocate General, the expert Committee has rendered its opinion stating that the answers set up by the TNSURB are correct.
4. When the expert Committee has certified that the answers given by the TNSURB qu Q.Nos.26 and 43 are correct, this Court cannot upset the said finding, in the light of the Judgment of the Hon'ble Supreme Court in U.P.P.S.C through its Chairman and Other vs. Ragul Singh & Other (Civil Appeal No.5838 of 2018 decided on 14.06.2018), the relevant paragraph of which reads as under :-

“ 14. In the present case, we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the Court must bow down to the opinion of the experts, Judges are not and cannot be experts in all fields and therefore they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

7. The learned Standing counsel for the second respondent submitted that the petitioner has filed this writ petition for claiming marks from question Nos.72 to 75 out of which already question Nos. 73 to 75 was answered correctly but only Question No.72 was answered wrongly. The learned Standing counsel further submitted that the petitioner secured 68 marks in total.



W.P.No.13836 of 2020

The last selected candidate belonging to MBC – PSTM category has secured 69 marks. Further, he submitted that are four series of A, B, C and D, questions will differ for each series.

8. Heard the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4 and also perused the material evidence available on record.

9. In view of the facts and circumstances of this case and the ratio laid down by this Court, the 2nd respondent's impugned provisional selection list vide RC.No.850/R2/TNUSRB/2019 dated 04.02.2020 to the posts of Grade II PC (AR & TSP), Jail warder and Fireman 2019, does not warrant any interference by this Court .

10. In the result, the Writ Petition stands dismissed. No costs.

12.12.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd



WEB COPY



W.P.No.13836 of 2020

To

- 1.The Secretary
Home (Police-III), Department,
The Secretariat, Fort St.George,
Chennai 600 009.
2. The Director General of Police and Chairman,
Tamilnadu uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai 600 008.
- 3.The Director General of Police (Law and Order),
Office of Director General of Police,
Dr.Radhakrishnan Salai,
Chennai 600004.



WEB COPY



W.P.No.13836 of 2020

J.SATHYA NARAYANA PRASAD, J.

kkd

W.P.No.13836 of 2020

12.12.2024