



WEB COPY



W.P.Nos.16459 & 16462 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.Nos.16459 and 16462 of 2024

and

W.M.P.Nos.18010, 18011, 18014 and 18015 of 2024

- | | |
|-----------------|--|
| 1. Murugeswaran | ... Petitioner in W.P.No.16459 of 2024 |
| 2.P.Raja | ... Petitioner in W.P.No.16462 of 2024 |

Vs.

- | | |
|--|------------------------------|
| 1.The Secretary to Government,
Home (Police-II) Department,
Fort St.George, Chennai – 9. | |
| 2.The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Old Commissioner Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008. | |
| 3.The Director General of Police,
& Head Police Force,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4. | ... Respondents in both W.Ps |



W.P.Nos.16459 & 16462 of 2024

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent the provisional list published in RC No.R2/1616/TNUSRB/2023 dated 29.01.2024 and quash the same as unconstitutional to the extent of excluding meritorious candidates belonging to Most Backward Class/Denotified Community in General Turn, thereby the meritorious candidates in the MBC category were unselected including the petitioner under reservation category (MBC Category) and consequently direct the respondents to select the petitioner under MBC category by following the rule of reservation under 200% roaster system and grant such other further relief.

For Petitioners : M/s.Venkataramani
(in both W.Ps) Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.V.P.R.Elamparithi
(in both W.Ps) Additional Government Pleader
for R1 and R3

M/s.D.Sowmi Dattan
for R2

COMMON ORDER

When these matters were taken up for hearing on 06.06.2024, this Court recorded the submissions made on behalf of the learned Counsel for the



W.P.Nos.16459 & 16462 of 2024

petitioners as well as the learned Additional Advocate General for the second

respondent and passed the following order :-

" Today, when the matter was taken up for hearing, the learned Additional Advocate General submitted that prima facie the respondents are also of the view that some errors have crept in while implementing the reservation and that they are willing to redo the selection list and he further submitted that if such an observation is made and the writ petition is kept pending they will rectify the mistake and they will redo the list and place it before this Court so that final orders could be passed.

2. Mr.L.Chandrakumar, learned counsel appearing for the petitioner in W.P.No.11855 of 2024, by pointing out to the list of selected candidates in respect of BC Muslim quota had pointed out two names, namely, Shaffe.M. and Ameer.S, and further submitted that they have scored 82.5 and 81 marks respectively. According to him when the respondents have arrived the cut off mark as 80.75 in respect of open general category these two candidates could not have been accommodated as against the BC Muslim vacancy. If these two candidates are accommodated in the general list the petitioner who is next in turn would get an opportunity.

3. Mr.Venkataramani, learned Senior Counsel appearing for the petitioner in W.P.No.13950 of 2024 pointed out to the communication of the respondent dated 26.09.2023 and submitted that the respondents have shortlisted the candidates and called for interview and physical test in the ratio of 1:5. At that time itself irrespective of the marks, if the candidates are of a particular reserved category, they have counted them as against their reservation category and accordingly shortlisted and invited the candidates for interview in the ratio of 1:5. According to him, if the principles laid down in the Shobana's case has been followed, at that stage itself several of the open category candidates who are called for interview could not have made it and several other reserved candidates who have not at all called for interview would have made it for the interview as well as for the physical verification test. Therefore, according to him if at all the respondents are carrying out the exercise of redoing the list, they have to redo from the stage of 26.09.2023 itself and if any candidates are



WEB COPY



W.P.Nos.16459 & 16462 of 2024

left over they should be called for supplementary interview/ physical verification test and only thereafter final list have to be reworked.

4. The respective contentions of the learned counsel appearing on behalf of the petitioners will be considered on its own merits. But, however in the interregnum the respondents themselves are voluntarily agreeing to go by the judgment of the Hon'ble Supreme Court of India in the case of **State of Tamil Nadu Vs K.Shobana** reported in 2021 (4) SCC 686 and also duly following the Division Bench judgment of this Court in W.P.No.5105 of 2024 etc., and come up with the revised list. It is made clear that it would be open for the respondents to consider the submissions made by both the learned counsel appearing on behalf of the petitioners and to take a decision in accordance with law. It is also made clear that irrespective of their decision, this Court would take into consideration the entire aspect of the matter while deciding the matter finally. It would be open for the respondents to go for either of the course suggested by Mr.L.Chandrakumar, learned counsel or Mr.Venkataramani, learned Senior Counsel and it is for them to consider the principles to be followed at the time of short listing itself as also at the time of drawing up the final list and come to a conclusion for themselves. Let the exercise shall be carried out by the respondents themselves and be placed before this Court on 21.06.2024.

5. Post the matter on 21.06.2024. "

2. When the matter is taken up for hearing today, a report is filed by the first respondent, in which, in paragraph No.5, they have recognized the mistake and have undertaken to redo the exercise from the stage as of 26.09.2023 itself i.e., from the stage of short-listing the candidates for physical measurement test, endurance test, physical efficiency test followed by viva-voice. Therefore, the respondents are going to redo the whole



W.P.Nos.16459 & 16462 of 2024

exercise after the stage of the written test. The said paragraph No.5 is extracted hereunder :-

" 5. It is submitted that the orders of the Hon'ble High Court in para 4 of the order will be complied with. The Board has decided to redo the Joint Recruitment 2023 from the stage of 26.09.2023 itself which includes Physical Measurement Test, Endurance Test and Physical Efficiency Test followed by Viva voce for those candidates who stands eligible as per the Supreme Court order in the case of State of Tamil Nadu Vs K.Shobana reported in 2021 (4) SCC 686. In this new process and the revised selection will commence from the month of July and will be completed within three months."

3. It is also clarified by the learned counsel for the second respondent that they will redo the exercise of short-listing the candidates for physical measurement test, endurance test, physical efficiency test, viva-voice etc. In the said list, if any of the new candidates are called, they will alone be called for physical measurement tests, endurance tests, physical efficiency tests etc., and in respect of the candidates who have already undergone the tests, the said tests will not be undertaken. However, their measurements and marks will be taken as such and a new list will be prepared in accordance with law. He also submits that due care will be undertaken to meticulously follow the directions of the Hon'ble Supreme Court of India in the cases of **Saurav Yadav and Ors. Vs. State of Uttar Pradesh and Ors.** and **State of Tamil Nadu Vs. K.Shobana** and the revised select list will be published in



W.P.Nos.16459 & 16462 of 2024

accordance with law. It is also represented on behalf of the respondents that the entire exercise will be conducted within three months from the date of receipt of a copy of this order.

4. In view thereof, the grievances of all the writ petitioners, in both these Writ Petitions, shall stand redressed. It goes without saying that if, on the publication of the revised list or even short-listing of the list or even in the physical endurance test, any other person has any other grievance, the same can be agitated afresh.

5. Recording the above, both Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.06.2024

Neutral Citation: No
jas



W.P.Nos.16459 & 16462 of 2024

To

WEB C

1. The Secretary to Government,
Home (Police-II) Department,
Fort St.George, Chennai – 9.
2. The Member Secretary,
T.N.Uniformed Services Recruitment Board,
Old Commissioner Office Complex,
Pantheon Road, Egmore,
Chennai – 600 008.
3. The Director General of Police,
& Head Police Force,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.

D.BHARATHA CHAKRAVARTHY, J.



WEB COPY



W.P.Nos.16459 & 16462 of 2024

jas

W.P.Nos.16459 and 16462 of 2024
and
W.M.P.Nos.18010, 18011, 18014 and 18015 of 2024

24.06.2024