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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.19212, 19851 and 23209 of 2024
and WMP No.21081,21083, 25375 and 21739 of 2024

WP No.19212 of 2024

1. R.Ponmanasemmal
2. U.Raja
3. C.Karthikeyan
4. V.Mariy Elis Sharmila
5. K.Santhini
- 6.V.Deepak
7. D.Zhaganandan
8. S.Meghanadhan
9. M.Kamalesh
- 10.A.Mathivanan
11. G.Ajay Kumar



12. S.Steban

13. P.Bakkya

14. S.Vasanth

15. K.Arulmani

16. V.Boopalan

17. S.Vijayan

18.S.Sundaramoorthy

19. N.Veeramani

20. R.Manickam

21. R.Thamizhmani

22. S.Manikandan

23. K.Pratheep Raj

24. S.Pasumalai @Kharthigeyan

25.M.Vijay

26. M.Manimaran

27. M.Ganeshkumar

28. M.Rajangam



29. V.Delphine Marie

30. A.Ajay Prasad

31. R.Karthikeyan

32. S.Sivarajan

33. A. Kishore

34. A.Ruthrakaran

35. S.Gajapriya

36. P.Thennarasan

37. S.Mano

38. T.Ramkumar

39. I. Nishanthi

40. P.Manimegala

41. R.Vinolina

42. P.Sarathbabu

43. R.Satheshkumar

44. K.Ejomalai

45. E.Sriranjani



46. P.Yogadass

47. G.Vimalraj

48. E.Iyyanar

49. S.Nivetha

50. D.Prabakaran

51. D.Velvizhi

52. P.Karthik

53. B.Jeevidha

54. A.Vanitha

**[Petitioners 32 to 54 impleaded vide order
dated 25.09.2024 in WMP No.31409 of 2024
in WP No.19212 of 2024 by NAVJ]
..Petitioners**

Vs.

1.The Secretary of Government Cum Controller of Exam,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry

2.The Commandant General Cum
Inspector General of Police,
Police Department, Puducherry.



3. The Commandant (Home Guard),
Senior Superintendent of Police,
(Crime and Intelligence),
Police Department, Puducherry.
4. The Superintendent of Police,
(Head Quarters),
No.2, Dumas Street,
Police Head Quarters,
Police Department, Puducherry-605 001
5. The officer on Special Duty,
Police Department, Puducherry – 605 001
6. R.Ramana

7. Naga Vamsi Mulaparthi

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration declaring the Written Examination held on 30.06.2024 and consequential declaration of results by the 1st respondent on 01.07.2024 for appointment to the post of Home Guards in Puducherry pursuant to the Recruitment Notification No.238/Estt.I(B)/Rectt/HG/2023 dated 27.10.2023 issued by the 5th respondent as illegal and consequently direct the respondents to conduct Home Guards recruitment strictly in accordance with the syllabus contained in Recruitment Notification No. 238/Estt.I(B)/Rectt/HG/2023 dated 27.10.2023 issued by the 5th respondent and pass such further orders.



For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.R.Sreedhar
Additional Government Pleader
[Pondy] for R1 to R5
R6 and R7 No appearance

WP No.19851 of 2024

Kona Sathish

..Petitioner

Vs.

1. The Commandant (Home Guard),
Puducherry Police Department,
Puducherry- 605 502

2. Controller of Examinations,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the written test held in consequence of notification No.238/Estt. I(B) / Rectt / HG / 2023 dated 27.10.2023, on the file of the 1st Respondent and quash the same as illegal, incompetent and wholly without jurisdiction and further direct the respondents to recon-duct the written test for the post of Home Guards or in the alternative to compute the score of the candidates out of 85 questions.

For Petitioner : Mr.Sunny Sheen



For Respondents : for Mrs.V.Srimathi
: Mr.R.Sreedhar
Additional Government Pleader
[Pondy] for R1 & R2

WP No.23209 of 2024

E.Malathi

..Petitioner

Vs.

1. Government of Puducherry,
represented by its Chief Secretary,
No.1,Gourbert Avenue, Beach Road,
Puducherry – 605 001
- 2.Government of Puducherry,
Home Department,
Represented by its Secretary,
No.1, Gourbert Avenue,
Beach Road,
Puducherry – 605 001
3. Union of India,
Rep.by its the Secretary to Government Cum
Controller of Examinations,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry – 01
- 4.The Director General of Police,
Puducherry Police,
No.4, Dumas Street,



Puducherry – 605 001

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5. The Director General of Police / The Commandant General
Home Guard Organisation,
Puducherry – 605 001

6. The Superintendent of Police,
(Head Quarters)
No.2, Dumas Street,
Police Head Quarters,
Police Department,
Puducherry – 605 001

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to consider the petitioner representation dated 20.07.2024 and award 10.50 marks to the petitioner and accordingly direct to the 4th respondent to select and appoint the petitioner to the Post of Home Guards (Female) notified under Notification No.238/ Estt.I (B) / Rectt / HG / 2023 dated 27.10.2023 and pass further orders.

For Petitioner : A.Pramila

For Respondents : Mr.R.Sreedhar

Additional Government Pleader
for Respondents 1 to 6

COMMON ORDER

All these writ petitions have been filed questioning the declaration of results published by the 1st respondent in the selection and appointment to the post of Home Guards notified by the 1st respondent through notification dated



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2. When the matter came up for hearing on 12.08.2024 in WP No.23209 of 2024, this Court passed the following order :-

Mr.R.Sreedhar, learned Additional Government Pleader [Puducherry], takes notice on behalf of respondents.

2. *The petitioner participated in the selection to the post of Home Guards based on the notification issued by the 4th respondent on 27.10.2023. As per the notification, the written test was to be conducted for the following subjects and the following marks were also fixed :-*

Sl.No.	Subjects	Max.Marks
1.	Mathematics and General Science	25 (Twenty five)
2.	History, Geography and Civics	25 (Twenty Five)
3	General knowledge & current events	50 (Fifty)
	Total	100 (Hundred)

3. *The grievance of the petitioner is that starting from question Nos.86 to 100, each of those questions pertained to English subject, which was not part of those subjects mentioned in the notification. Hence, the petitioner is seeking for allotting*



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marks for these questions.

4. *The issue raised by the petitioner requires serious consideration. If ultimately, the Court comes to a conclusion that question Nos.86 to 100 are beyond the scope of the notification issued by the 4th respondent and more particularly, when the candidates can choose a bilingual language to write the examination and the petitioner has chosen Tamil, the order may have a wider ramification. If any relief is granted, it has to enure in favour of all the candidates, in which case, the entire selection has to be revisited. Hence, the provisional list shall not be finalized till the next date of hearing.*

5. *Post this case under the caption “for orders” on 20.08.2024. In the meantime, the counter affidavit shall be filed and an advance copy shall be served on the learned counsel for the petitioner.*



3. Pursuant to the above order, individual counter affidavits have been filed in all these writ petitions.

4. Heard the respective learned counsel for the petitioners and the learned counsel for respondents.

5. The learned counsel appearing on behalf of the petitioners broadly raised three issues and they are as follows :-

(a) The notification specifically mentioned the subjects and the marks that are allocated towards those subjects and the notification also gave an option for the candidate to choose any language to attend the examination. In view of the same, question Nos.86 to 100 pertained to English subject and it is beyond the scope of the notification.

(b) The 1st respondent does not have the jurisdiction or authority to conduct the Home Guard examination under the Home Guards Act, 1965. and

(c) The 1st respondent ought to have provided for



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reservation under various categories as per the communication of the Government of India dated 25.06.2010 and since no such reservation has been provided in the notification, the selection process itself is illegal.

6. The respondents have taken the following stand in the counter affidavit:-

(a) The candidates are expected to possess minimum English knowledge and Question Nos.86 to 100 pertained to testing the fundamental knowledge in English and the same cannot be held to be beyond the scope of the Notification.

(b) The Notification itself stated that General knowledge forms part of the subject that will be covered in the question paper and Question Nos.86 to 100 falls under the scope of “General Knowledge”.

(c) The petitioners cannot question the Jurisdiction of the 1st respondent or the Rule of Reservation in the present case since they have all participated in the selection and they cannot be



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permitted to turn around and question the selection process.

7. The main issue that arises for consideration in the present case is as to whether question Nos.86 to 100 as found in the question paper, is within the scope of the notification and it can be brought within the category of “General Knowledge”.

8. The Notification specifically states that the candidates must possess the qualification of a pass in 10th Standard or its equivalent and should be a domicile of Puducherry, Union Territory. The notification also provides for the subjects from which questions will be asked. Specific reference has been made to Mathematics, General Science, History, Geography, Civics, General Knowledge and Current events.

9. The notification also states that the question paper will be bi-lingual that is in English and in any one of the regional languages viz., Tamil, Telugu or Malayalam. The candidate is expected to indicate the choice of language in which they prefer to write the examination in the on-line



application.

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10. On a careful reading of the notification, it is quite clear that the notification does mandate a candidate to possess the knowledge of English. That is the reason why the question paper itself was prepared Bi-lingual by giving option to the candidates to choose any of the languages.

11. On carefully going through the question paper, it is seen that for question No.1 to 85, the questions are given both in English and in the regional language chosen by the candidate. Starting from Question Nos.86 up to question No.100, it has been given only in English language.

12. The respondents are taking a stand that question Nos. 86 to 100 falls within the scope of “General Knowledge” It is too difficult for this Court to accept this contention raised on the side of the respondents.

13. To understand the same, it is necessary to scan and extract question Nos.86 to 100 hereunder :-



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86. Identify the preposition in the following sentence:

"The book is on the table."

- (A) book
- (B) is
- (C) on
- (D) table

87. Which sentence is grammatically correct?

- (A) She don't like ice cream.
- (B) She doesn't like ice cream.
- (C) She isn't like ice cream.
- (D) She hasn't like ice cream.

88. Choose the correct form of the verb to complete the sentence: "He ----- to the store yesterday."

- (A) Go
- (B) Goes
- (C) Gone
- (D) Went

89. Which word is the antonym of "brave"?

- (A) Fearless
- (B) Cowardly
- (C) Courageous
- (D) Bold

90. Identify the adverb in the following sentence:

"She sings beautifully."

- (A) She
- (B) Sings
- (C) Beautifully
- (D) Sings beautifully

91. What is the comparative form of the adjective "happy"?

- (A) Happier
- (B) Happier
- (C) Most happy
- (D) Happiest

92. Select the correct sentence:

- (A) The dog barked loud.
- (B) The dog barked loudly.
- (C) The dog barked loudness.
- (D) The dog barked loudful.



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93. What is the correct past tense of the verb "to go"?

- (A) Gona
- (B) Goo
- (C) Went
- (D) Go

94. Identify the correct sentence :

- (A) He is good at playing piano.
- (B) He is good in playing piano.
- (C) He is good on playing piano.
- (D) He is good from playing piano.

95. Which of the following is a synonym for "happy"?

- (A) Sad
- (B) Joyful
- (C) Angry
- (D) Bored

96. What is the plural form of "Goose"?

- (A) Goos
- (B) Gooses
- (C) Geander
- (D) Geese

97. The correct sequence in which words appear in the sentence "The young girl sang beautifully" is as follows :

- (A) Adjective, Noun, Verb, Adverb
- (B) Noun, Verb, Adverb, Adjective
- (C) Verb, Noun, Adverb, Adjective
- (D) Adverb, Noun, verb, Adjective

98. Which of the following is a conjunction?

- (A) And
- (B) Quickly
- (C) Nice
- (D) Run

99. Select the correct spelling :

- (A) Necessery
- (B) Necensary
- (C) Necessary
- (D) Needwary

100. What is the superlative form of "good"?

- (A) Gooder
- (B) Best
- (C) More good
- (D) Goodest



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14. The above questions, by no stretch can be called as questions in General Knowledge. All the above questions clearly falls within the category of English Grammar. In view of the same, the above questions clearly fall outside the scope of the notification which never contemplated questions in English language.

15. To properly appreciate the above finding, this Court went through the earlier notification that was issued in the year 2014. In that notification, it has been specifically stated that the questions for General English shall be only in English language. If the present notification had added similar words in the notification, the petitioners could not have questioned the respondents for those questions asked from question Nos.86 to 100. In the absence of the same, those questions are clearly out of syllabus which was specifically provided under the notification.

16. The learned Additional Government Pleader appearing on behalf of respondents submitted that there were totally 500 candidates who



were provisionally selected for enrollment to the post of Home Guards and out of the same, 463 candidates had joined after certificate verification and they are being sent for training course.

17. This Court broadly has two options. The first option is to cancel the entire selection and in which case, all those selected candidates will have to be added as parties. The 2nd option is to direct the respondents to add 15 marks to all the parties who have approached this Court. After adding 15 marks, they should be arranged in the descending order and out of that, 37 persons can be fitted in to the post of Home Guards. If this option is exercised, the selection of 463 candidates need not be disturbed and the respondents need not undergo the ordeal of conducting the selection process afresh by adding 15 marks to all the candidates across the board. This will virtually derail the selection process and will cause unnecessary delay.

18. In view of the same, this Court is inclined to adopt the 2nd option without interfering with the selection of 463 candidates who have already joined and have been sent for training course.



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19. The other two grounds that have been raised on the side of the petitioners in WP No.19212 of 2024 questioning the authority of the 1st respondent and also the non-compliance of reservation, cannot be entertained by this Court, since those petitioners have participated in the selection and they cannot be permitted to turn around and question the selection process itself. Accordingly, these two grounds raised on the side of the petitioners is unsustainable.

20. In the result, all these writ petitions are disposed of with a direction to the Commandant (Home Guard), Puducherry Police Department, to add 15 marks to all the petitioners and the impleaded petitioners 32 to 54 in WP No.19212 of 2024 and arrange them in descending order. 37 Persons out of that list shall be fitted in and selected as Home Guards. This process shall be completed within a period of 10 days from the date of receipt of a copy of this order.



21. All these writ petitions are disposed of in the above terms.

No costs. Consequently, the connected miscellaneous petitions are closed.

25.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
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To

1. The Secretary of Government Cum Controller of Exam,
Government of Puducherry, v
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry
2. The Commandant General Cum
Inspector General of Police,
Police Department, Puducherry.
3. The Commandant (Home Guard),
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7. Government of Puducherry,
Home Department,
Represented by its Secretary,



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- 9.The Director General of Police,
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N. ANAND VENKATESH, J.

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