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W.A. No.2541 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

and

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.A.No.2541 of 2022

and

C.M.P. No.19982 of 2022

B.Velmurugan

... Appellant

-VS-

1.The Secretary to Government,
Home (Police III) Department,
Fort St. George, Chennai – 9.

2.The Director of Police,
Mylapore, Chennai – 600 004.

3.The Chairman,
T.N. Uniformed Services Recruitment Board,
Anna Salai, Chennai – 600 002.

.... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 15.06.2022 made in W.P.No.1196 of 2017.

For Appellant : Mr.L.P.Shanmugasundaram
for Ms.P.Rajalakshmi

For Respondents : Mr.P.Kumaresan,
Addl. Advocate General
assisted by
Mr.P.Balathandayutham,
Spl. Govt. Pleader for R1 & R2
Mr.J.Lenin,
Govt. Advocate for R3



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JUDGMENT

[Judgment of the Court was delivered by **D.KRISHNAKUMAR,J.**]

This writ appeal is directed against the order dated 15.06.2022 made in W.P. No.1196 of 2017, whereby the learned single Judge dismissed the writ petition.

2. Writ petitioner is the appellant herein. The writ petitioner joined the Uniformed Services in the year 2010 and is presently working as Grade II Police constable in Chennai City Police (AR). Pursuant to the notification dated 08.02.2015, he applied for the post of Sub Inspector of Police under 80% open quota and appeared for the written test on 24.05.2015. The writ petitioner scored 49 marks and the cut off marks prescribed for BC (General) was 49.50. The grievance of the writ petitioner was that he was dropped from further selection as there was no separate lower cut off marks prescribed for Persons Studied in Tamil Medium (PSTM). Therefore, he filed W.P.No.23075 of 2015 before the Division Bench challenging the order dated 18.07.2015 insofar as denying him the opportunity to participate in the next stage of selection and also for a direction to the concerned authorities to earmark separate marks under the PSTM quota and also to consider his claim for



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appointment under PSTM quota. Based on the interim orders of this Court, the writ petitioner was allowed to participate in the second stage of selection and he scored 64 marks. The said writ petition was dismissed as the writ petitioner has not scored the cut off marks under open quota. The writ petitioner filed a Special Leave Petition before the Hon'ble Supreme Court in SLP © No.488 of 2016 and the same was also dismissed on 05.09.2016. After dismissal of the special leave petition, the writ petitioner filed a review application in Rev. Appln. No.40 of 2018 and the same was dismissed vide order dated 12.07.2019.

3. The writ petitioner made a representation dated 19.12.2016 to the respondents stating that Tamil Nadu Uniformed Services Recruitment Board ought to have specified separate cut off marks for 20% quota of PSTM candidates at each stage of selection. Seeking a direction to dispose of the said representation, the writ petitioner filed W.P.No.1196 of 2017 which was dismissed on the ground of *res judicata*. Hence the present writ appeal.

4. Heard both sides and perused the materials available on record.



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5. Learned Additional Advocate General appearing for the respondents submits that the entire selection process is over and appointment orders have also been issued.

6. We have also gone through the order passed in Review Application No.40 of 2018. The said review application came to be dismissed by observing that it was too late for the writ petitioner to raise such an issue especially after he having participated in the selection process. It was also observed that the writ petitioner was not able to point out any error which is apparent on the face of the order.

7. On a perusal of the materials available on record, it is seen that the writ petitioner, who is an in-service candidate, participated in the subsequent selection process but was unsuccessful. Therefore, this Court cannot issue such a direction to the respondents to consider the claim of the writ petitioner/appellant when he was unsuccessful before this Court as well as Hon'ble Supreme Court. We find no merit in the writ appeal and the order of writ Court is confirmed.



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8. In the result, the writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.) (K.B.J.)
08.04.2024

Index: Yes/No
Neutral Citation: Yes/No
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To

- 1.The Secretary to Government,
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