



W.A.(MD)Nos.1011 to 1020 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**
AND

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)Nos.1011 to 1020 of 2016
and
C.M.P(MD)Nos.6185 to 6203 of 2016

W.A.(MD)No.1011 of 2016

- 1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai – 9.
- 2.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
No.4, 9th Cross Street,
Indira Nagar, Adayar,
Chennai – 20
Now functioning at
No.807, Anna Salai, Chennai -2.

: Appellants/Respondents

Vs.

P.Sumathi : Respondent/Petitioners

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 14.10.2004 passed in W.P.(MD) No.2431 of 2004.



W.A.(MD)Nos.1011 to 1020 of 2016

For Appellant

: Mr. Veerakathiravan
Additional Advocate General assisted by
Mr.A.K.Manikkam
Spl. Govt. Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

These writ appeals have been filed against the common order dated 14.10.2004 made in W.P.Nos.2431 to 2440 of 2004 passed by the Writ Court.

2. According to the respondents/writ petitioners, the second appellant board issued notification dated 15.03.1998 inviting candidates for appointment of women police constable Grade - II. The said selection consists of three stages, namely, physical efficiency test, written test and interview (vivo vice). The candidates qualified in physical efficiency test are allowed for the written test. The second appellant board reviewed the selection list and found 416 candidates among the 958 candidates selected through the State, are from Dindigul and Theni District. On suspicion, the second respondent board ordered rerunning test for the all the selected 416 candidates, which was held on 16.06.2000. In the rerunning test, out of 416 candidates, 41 candidates were



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qualified. Aggrieved by the same, initially, 171 candidates had approached the Tamil Nadu Administrative Tribunal and filed original applications, which were allowed on 20.12.2000. The order of the Tribunal was set aside by this Court in W.P.No.4759 of 2001 etc.,. The Division Bench of this Court, directed the board to hold a fresh 100 meter running test.

3. According to the writ petitioners, the similarly placed persons like the petitioners have approached this Court in W.P.No.25387 of 2004, wherein a direction was given permitting them to participate in the 100 meters running event and following the same, other similar writ petitions were allowed.

4. According to the writ petitioners, the similarly placed candidates, when had benefit of participating in the running test, there is no justification to deny the same right and privilege to these petitioners and the same kind of benefit should be extended to these petitioners also.

5. The Writ Court allowed the writ petitions. Challenging the same, these writ appeals have been filed.

6. According to the appellants, it was found that there was enormous



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foul play. Out of 958 candidates, 416 candidates were selected from the Dindigul and Theni District. On suspicious foul play, the candidates were asked to attend rerun test. According to the appellants, after rerun test, 41 candidates were qualified and rest of them were disqualified.

7. On perusal of the Judgment made in W.A.No.136 of 2005 dated 05.06.2007, wherein the order of the Writ Court made in W.P.No.25387 of 2004 dated 11.09.2004, which was relied on by the writ petitioners, has been challenged, it is seen that the Division Bench of this Court is of the view that the respondent therein was not qualified in the rerun test held on 19.06.2000 and the original application filed by her in O.A.No.1860 of 2001 was already dismissed by the Tamil Nadu Administrative Tribunal and suppressing the above fact, as if, the original application is pending on the file of the Tamil Nadu Administrative Tribunal, she obtained the impugned order from this Court and the respondent therein ought to have filed a writ petition against the dismissal of O.A.No.1860 of 2001. Instead of that, suppressing the same, the respondent therein filed the fresh writ petition. Further, in the Writ Court, the Government was not a party to the earlier proceedings, based on which, the impugned order was passed. Therefore, the impugned order was set aside and the writ appeal No.136 of 2005 is allowed.



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8. According to the appellants, it is 1997-98 recruitment. It is seen

that few candidates who were in advanced stage of pregnancy had also participated in Dindigul Centre and they secured full mark in running event, whereas, in the other centres, only 2.4% candidates secured full marks. This was raised suspicion. Hence, the appellant board had decided to conduct rerun test at Dindigul Centre on 19.06.2000, in which, only 41 candidates out of 416 previously selected candidates were found to be eligible. Initially, 171 disqualified candidates approached the Tamil Nadu Administrative Tribunal on 20.12.2000. The Tribunal allowed the applications and set aside the order of the respondents. The order of the Tribunal was set aside by the Division Bench of this Court in W.P.No.4759 of 2001 etc., dated 05.08.2004 with a direction to conduct the rerun test. The present writ petitioners approached the Tribunal and their applications were dismissed on the ground of delay and laches. Challenging the same, they filed writ petitions with the prayer to conduct rerun test for them. On 14.10.2004, the Writ Court allowed the writ petitions without any merit, but only based on the ground that the similarly placed candidates had the benefits of participating in the retest. The earlier order made in W.P.No. 25387 of 2004 dated 11.09.2004 was challenged before this Court in W.A.No. 136 of 2005, which was allowed in favour of the appellant Government. We are of the view that the same has to be followed by this Court.



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9. In view of the above, it is seen that the writ petitioners have not come with clean hands and also delay and laches. We are of the view that their claim has to be rejected.

10. Accordingly, these writ appeals are allowed and the order dated 14.10.2004 made in W.P.Nos.2431 to 2440 of 2004 passed by the Writ Court is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]
26.02.2024

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes



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