



WP.(MD).No.26102 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26102 of 2023

R.Ramkumar

... Petitioner

Vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

2.The Superintendent of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

... 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 pertaining to the impugned communication in Na.Ka.No.R4/227/3231/2023, dated 11.10.2023 on the file of the respondent no.2 and quash the same as illegal and consequently to direct the respondents to conduct the written examination afresh with standard questions without any error for the posts of Sub Inspector of Police (Taluk), Sub Inspector of Police (AR) and Sub Inspector of Police (TSP) as notified vide notification No.01/2023 on



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the file of the respondent no.1.

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For Petitioner : Mr.S.Louis
For Respondents : Mr.P.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.C.Baskaran
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned communication in Na.Ka.No.R4/227/3231/2023, dated 11.10.2023 on the file of the second respondent and to direct the respondents to conduct the written examination afresh with standard questions without any error for the posts of Sub Inspector of Police (Taluk), Sub Inspector of Police (AR) and Sub Inspector of Police (TSP) as notified vide notification No.01/2023 on the file of the first respondent.

2.The first respondent issued a notification bearing notification No.1 of 2023 dated 05.05.2023, calling for online applications for direct recruitment for the post of Sub-Inspector of Police (Taluk), Sub-Inspector of Police (AR) and Sub-Inspector of Police (TSP). The petitioner is serving as a Head Constable in the Armed Reserved Police, Madurai city. Pursuant to the said notification, he made an application for the said recruitment



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process under the departmental quota. The departmental quota candidates were dealt with separately and written examination was conducted for them on 27.08.2023. The question paper was tough and confusing and as many questions had all the answers as correct. The final key answers have come and in terms of the said final key for question numbers 57, 76, 77, 93 and 97, all the answers were shown to be correct by the respondent Department. The petitioner had secured 67.5 out of 85 marks in the written examination and he also stood eligible in the physical endurance test. Also, the petitioner made a representation dated 04.10.2023 to the respondent seeking to conduct a written examination afresh with correct questions. However, the second respondent vide impugned communication dated 11.10.2023, rejected the petitioner's request. Challenging the same, this Writ Petition came to be filed.

3.The petitioner's claim is that the question paper itself would make it clear that several questions had all the answers as correct and some questions had three answers as correct, while the candidates were directed to select only one correct answer. Even in the previous years, the same type of erroneous questions were



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given and again and again in the recruitment process such kind of written question papers are prepared by the respondent Board. In view of the same, the petitioner contended that it is necessary to conduct the written examination afresh.

4.The learned Additional Advocate General submitted that the first stage of recruitment process is the written examination. Candidates who qualify the written examination are selected in the ratio of 1:5 for the next phase of selection process that is physical test based on the marks secured by them in accordance with the 200 point roster system of the Government. The written examination for the Departmental quota candidates was conducted on 27.08.2023. The preliminary answer key was published on the TNUSRB website on 31.08.2023. It was informed to the candidates to make representation to the Board in writing, in case of any dispute over questions or answers along with material proof from 31.08.2023 to 07.09.2023. The representations received by the Board disputing the questions and answers were analysed through experts consisting of Teachers, Assistants/Associate Professors formed for each subject. Further, he submitted that the respective committees recorded their conclusions in writing. Based on the



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committee's final opinion, the Board hosted the final answer key and published the same on 26.09.2023 in the TNUSRB website. The petitioner belonged to BC community and had qualified the written examination with 67.50 marks. He was also selected for the next stage that is physical test in the ratio 1:5 under his respective category. However, this petition has been filed by him seeking to conduct the written examination afresh for the reason that all the answers for the question numbers 57, 76, 77, 93 and 97 of A series question booklet were correct. However, on the basis of the Expert Committee opinion, for all the questions pointed out by the writ petitioner, there was a change in answer and the same was published in the final key of USRB website. Since the petitioner had attempted those questions, he was also awarded with 0.5 marks as it was awarded to the other candidates. Despite awarding 0.5 marks to each of those pointed out questions in question numbers 57, 76, 77, 93 and 97, the petitioner did not come within the zone of consideration. Having failed to come within the zone of consideration, the petitioner has made up his mind to challenge the entire recruitment process seeking to conduct reexamination.

5. Heard the learned counsel appearing for the petitioner, the



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learned Additional Advocate General appearing for the respondents and carefully perused the entire materials available on record.

6.This Court is of the considered view that having taken part in the process of selection with the full knowledge that the recruitment would be made in terms of the notification, the petitioner has waived his right to question the notification or methodology adopted by the Board for making selection. Had the petitioner's name appeared in the merit list, he would not have dared to challenge the selection process. However, in the instant case, the petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India only after he found that his name does not figure out in the merit list prepared by the respondent Board. This conduct of the petitioner clearly disentitles him from questioning the selection and the written examination.

7.It is a settled proposition of law that if a candidate takes a calculated chance and appears for the examination, and only thereafter since the written examination result is not palatable to him, he cannot turn round and subsequently, condemn that the process of written examination is unfair and the recruitment



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process was not properly constituted.

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8. With such observation, this Court is not inclined to interfere with the impugned order passed by the respondent Board.

9. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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L.VICTORIA GOWRI, J.

Mrn

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