



W.P.No.34118 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.34118 of 2012

M.Velmurugan

...Petitioner

Vs.

1.Principal Secretary to Government
Home Department
Fort St. George, Chennai 600 009.

2.Director General of Police (L & O)
Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

3.Director General of Police/Chairman
Tamil Nadu Uniformed Services
Recruitment Board
Anna Salai, Chennai 600 002.

4.Public Information Officer/
Superintendent of Police
Tamil Nadu Uniformed Services
Recruitment Board
Chennai 600 002.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Certiorarified Mandamus, by calling for the records relating to the proceedings of the fourth respondent dated 18.4.11 made in C.No.R-1/5446/2009, quash the same and direct the respondents to revise and re-fix the petitions seniority after awarding two marks to the right answers marked by him in the written test and change his category from Sub Inspector of Police (Armed Reserve) to Sub-Inspector of Police (Taluk).

For Petitioner : Mr.C.Karthik
for Mr.K.Rajasekaran

For Respondents : Mrs.R.L.Karthika for R1 & R2
Government Advocate

Mr.Sowmidhathan for R3 & R4

ORDER

The challenge in this writ petition is to the communication in C. No. R-1/1081/2011 dated 26.04.2011 issued by the fourth respondent. By the said communication, the petitioner's request for awarding additional marks for Question Nos. 11, 38, and 44 in the examination conducted for recruitment to the post of Sub-Inspector of Police in the year 2006 came to be rejected.

2. While the petitioner was working as a Grade-I Police Constable, a notification dated 19.07.2006 was issued by the Tamil Nadu Uniformed



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Services Recruitment Board (TNUSRB), inviting applications for appointment

to the post of Sub-Inspector of Police. In response to the said notification, the petitioner applied for the post. During the selection process, a physical efficiency test was conducted by the Recruitment Board, which the petitioner successfully completed. Thereafter, a written examination was conducted on 20.05.2007, followed by a viva-voce.

3. In the written examination, the petitioner admittedly secured 76 marks out of 100. He therefore claimed that he came within the zone of consideration for appointment as Sub-Inspector of Police (Taluk), i.e., independent charge of a police station in a Taluk Headquarters. However, the cut-off mark prescribed for candidates belonging to the Most Backward Class category was 78 marks.

4. In these circumstances, several unselected candidates, including the petitioner, approached this Court contending that the key answers published by the Recruitment Board contained incorrect answers to Question Nos. 11, 38, and 44. The petitioner, after obtaining a copy of the key answers under the Right to Information Act, found that the key answers to the aforesaid questions were erroneous. The petitioner had answered all three questions correctly but was not awarded any marks for the same. In W.P. No. 4509 of 2009 and batch cases, this



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Court, by order dated 04.11.2009, issued eight directions, one of which required the respondents to prepare a list of all unselected candidates who had answered Question No.11 with option (D), Question No. 38 with all correct answers, and Question No.44 with option (A), and to award marks accordingly.

5. The directions issued in the said writ petitions were challenged by the State in Writ Appeal Nos.1719 to 1739 of 2010 and batch cases filed by the Recruitment Board. The Division Bench, by order dated 23.12.2010, allowed the writ appeals and set aside the directions issued by the learned Single Judge. Subsequently, one Mr.R.Alex filed W.P. No.9181 of 2009 seeking award of marks and consequential refixation of seniority. The said writ petition was allowed, and a direction was issued to consider the representation dated 09.04.2009 submitted by Mr.R.Alex, Sub-Inspector of Police.

6. Pursuant to the directions issued by this Court, the representation of Mr.R.Alex was considered by the Principal Secretary to Government, and his category was changed from Armed Reserve to Sub-Inspector of Police (Taluk). Thereafter, one Mr.S.Suthakar filed W.P. No.8016 of 2013 seeking similar relief as granted to Mr. R. Alex. The said writ petition was dismissed by the learned Single Judge by order dated 24.10.2018, which led Mr.S.Suthakar to file Writ

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Appeal No. 2771 of 2019. The Division Bench, by order dated 16.04.2021,

allowed the writ appeal, and paragraphs 17 and 18 thereof read as follows:

“17. We find that when the appellant/writ petitioner came to know about the mistake which crept in the key answer, he immediately applied for copy of the key answer as early as on 18.02.2009. He has also submitted his representation on 29.01.2010. The said Mr.Alex, one of the successful candidates, has filed Writ Petition stating that he has answered all the answers correctly and it was allowed. The writ appeal filed there-against was dismissed by the Division Bench of this Court. Thereafter, the Government issued G.O. Ms. No.399, Home (Police-3) Department dated 07.06.2012, directing the change of category. On 10.07.2013, the appellant has filed the instant writ petition, which was dismissed by the learned single Judge on 24.10.2018. Just one month prior to the order of dismissal passed by the learned Single Judge, the revised seniority list was published on 18.09.2018 by re-fixing the seniority list of directly recruited Sub-Inspectors of Police (Taluk) (Armed Reserve) and (T.S.P.) indicating that the candidates were provisionally appointed till 2014 in compliance with the order passed by this Court. Therefore, it is not as though the appellant has approached this Court after a long time to assert his right. In fact, the appellant has filed the writ petition in the year 2013 itself. In such circumstances, it cannot be said that there is delay or laches on the part of the appellant in asserting



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his service right. The appellant has, in our opinion, approached this Court at the earliest point of time and he cannot be denied the relief.

18. The mistake has been committed by the Department. They WA No. 2771 of 2019 themselves ought to have undertaken the task of awarding 3 marks to all the eligible persons who have written the question correctly, as that of the appellant. They cannot wait for the individual candidate to approach this Court with a Writ Petition and obtain an order thereof. Even in the absence of filing writ petition, when it was the mistake of the department in setting the key answers and it was also admitted by them, the appellant/writ petitioner cannot be individually expected to approach this Court to get an order in his favour. In a case of this nature, the Department ought to have undertaken the task of re-fixing the seniority by themselves without driving the candidate to approach this Court for relief. When three marks are awarded to a set of candidates, who have approached this Court, then it will have a cyclic and cascading effect that such a benefit has to be extended to one and all. When a particular service benefit is given in favour of one of the employees in the Department, such benefit had to be equally extended to all those who are entitled for the same, without any discrimination. The Department cannot expect the individual employee to approach this Court to get an order in his or her favour to get the relief. The Department had shirked its responsibility in doing so, which had resulted in multitude of proceedings. In such circumstances,



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we are inclined to interfere with the impugned order passed by the learned Single Judge and to allow this appeal.”

7. The Division Bench held that there was no delay or laches on the part of the appellant, as he had acted promptly upon discovering the error in the key answers by seeking information and submitting representations, and by filing the writ petition as early as in 2013. The subsequent revision of the seniority list in 2018 further demonstrated that the appellant's claim was alive and under consideration, and therefore, denial of relief on the ground of delay was unjustified.

8. The Court further observed that the error in the key answers was admittedly committed by the Department, and it was the Department's responsibility to award marks to all eligible candidates who had answered correctly, without compelling each individual to approach the Court. Once the benefit of additional marks was extended to some candidates pursuant to court orders, the same benefit ought to have been uniformly extended to all similarly situated candidates to avoid discrimination. The failure of the Department to do so resulted in multiple litigations. In view of these findings, the Division Bench interfered with the order of the learned Single Judge and allowed the writ appeal.



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9. Admittedly, the key answers to Question Nos. 11, 38, and 44 were incorrect, and the petitioner had answered the said questions correctly. Therefore, the petitioner is also entitled to the benefit extended to similarly placed persons, namely Mr.R.Alex and Mr.S.Suthakar, as ordered in W.A. No. 2771 of 2019. The judgment of the Division Bench in W.A. No. 2771 of 2019 was further affirmed by the Hon'ble Supreme Court vide order dated 16.04.2021 in SLP (C) No. 1506 of 2021.

10. The learned State Counsel appearing for respondents 1 and 2 contended that the writ petition suffers from delay and laches and that similar writ petitions filed by unselected candidates were dismissed by the Division Bench in W.A. No. 1168 of 2012, arising out of W.P. No. 4746 of 2010. Therefore, according to the learned State Counsel, the present writ petition is also liable to be dismissed on the ground of delay and laches.

11. However, the Division Bench in W.A. No. 1168 of 2012 dealt with the claims of unsuccessful candidates, whereas the petitioner herein is a selected candidate. The issue of delay and laches in respect of similarly situated selected



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candidates has been specifically negated by the Division Bench in W.A. No.

2771 of 2019. Hence, the contention of the learned Government Advocate that the writ petition deserves dismissal in limine on the ground of delay and laches is untenable and devoid of merit.

12. The petitioner was admittedly selected under the Most Backward Class category and had secured 76 marks out of 100. The cut-off mark prescribed for appointment to the post of Sub-Inspector of Police (Taluk Headquarters) under the Most Backward Class category was 78. Upon awarding three additional marks for the corrected key answers, the petitioner's total comes to 78 marks. Therefore, the petitioner will be entitled to be considered for appointment to the post of Sub-Inspector of Police (Taluk Headquarters) instead of Sub-Inspector of Police (Armed Reserve) if the answers are found to be correct. Consequently, the impugned communication issued by the fourth respondent is legally unsustainable.

13. The learned Government Advocate submitted that the answers marked by the petitioner for Question Nos. 11, 38, and 44 would be verified with reference to the petitioner's OMR sheet and that, upon such verification, the petitioner's case would be considered for appointment to the post of Sub-Inspector of Police (Taluk Headquarters) instead of Armed Reserve.



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14. Accordingly, the writ petition is allowed. The impugned communication in C.No.R-1/1081/2011 dated 26.04.2011 is hereby set aside. The respondents are directed to consider the case of the petitioner for appointment to the post of Sub-Inspector of Police (Taluk Headquarters – Law & Order) instead of Sub-Inspector of Police (Armed Reserve), strictly on its own merits and in accordance with law, by extending the benefit granted to Mr.R.Alex and Mr.S.Suthakar in W.A.No.2771 of 2019 subject to verification of OMR Sheet. If entitled, the petitioner shall be granted all consequential service benefits attached to the post of Sub-Inspector of Police (Taluk Headquarters – Law & Order).

15. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
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Home Department
Fort St. George, Chennai 600 009.

2.The Director General of Police (L & O)
Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

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HEMANT CHANDANGOUDAR.J.,

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