

(2015) 03 MAD CK 0103

In the Madras High Court

Case No : W.A. (MD) No. 189 of 2009 and M.P. (MD) No. 1 of 2009

S. Maharajan

APPELLANT

Vs

Tamil Nadu Uniformed Services Recruitment Board

RESPONDENT

Date of Decision : 05-03-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 03 MAD CK 0103

Hon'ble Judges : V.M. Velumani, J.;A. Selvam, J.

Bench : Division Bench

Advocate : S. Anwar Samum for G.R. Swaminathan, for the Appellant; M. Alagathevan, Spl. Government Pleader, Advocates for the Respondent

Final Decision : Dismissed

Judgement

A. Selvam, J.—This writ appeal has been directed against the order dated 24.03.2009 passed in W.P(MD)No. 2128 of 2009 by the learned Single Judge of this Court.

2. The appellant herein as petitioner has filed W.P(MD)No. 2128 of 2009 under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus so as to call for the records relating to the impugned communication dated 19.02.2009 in Na.Ka.No. D1/0471/2009 and quash the same, wherein the present respondent has been shown as sole respondent.

3. It is averred in the petition that the respondent has notified vacancies in the post of Grade II Jail Warden (Men) 2007. The petitioner has applied for the post. On 04.05.2008, he has taken part in written examination and answered some questions to the best of his ability. With regard to question No. 67 in the earlier key proper answer has been mentioned as "d". But subsequently it is modified as "c". The petitioner has given answer to question No. 67 as "d". Further the petitioner has been able to clear 4.82 metres in long jump. But the respondent has erroneously recorded as 4.41 metre. Under the said circumstances, the

impugned communication sent by the respondent on 19.02.2009 is liable to be quashed.

4. On the side of the respondent, counter has not been filed.

5. On the basis of divergent contentions put forth on either side, the learned Single Judge has dismissed the writ petition. Against the order passed by the learned Single Judge, the present writ appeal has been preferred at the instance of the petitioner as appellant.

6. The learned counsel appearing for the appellant/petitioner has raised the following points:

(i) In the earlier key issued by the respondent, proper answer to question No. 67 is mentioned as "d" and the petitioner has answered the said question as "d", but subsequently it has been mentioned as "c".

(ii) Even though the petitioner has been able to clear 4.82 metres in long jump, in the record maintained by the respondent it has been erroneously mentioned as 4.41 metres. The learned Single Judge without considering the discrepancies emerged on the part of the respondent has erroneously dismissed the writ petition and therefore the order passed by the learned Single Judge is liable to be set aside.

7. The learned Special Government Pleader has contended that proper answer to Question No. 67 is "c", but erroneously in the earlier key, it has been mentioned as "d" and therefore the contention put forth on the side of the appellant/petitioner cannot be accepted. Further even in the affidavit it has been simply stated that the petitioner has been able to clear 4.82 metres in long jump, but in the record it has been properly mentioned as 4.41 metres and under the said circumstances the learned Single Judge after considering the grounds raised on the side of the appellant/petitioner has rightly dismissed the writ petition and therefore the order passed by the learned Single Judge does not require any interference.

8. It is an admitted fact that the petitioner has taken part in the written examination conducted on 04.05.2008 by the respondent for the post of Grade II Jail Warden (Men) 2007. It is true that in the earlier key issued by the respondent it is mentioned as "d" as proper answer to Question No. 67. But subsequently after rectifying the mistake, another key has been issued by way of saying that proper answer to Question No. 67 is "c". It is nothing, but a mistake on the part of the respondent, but the proper answer to question No. 67 is "c". Therefore the first contention urged on the side of the appellant/petitioner cannot be accepted.

9. With regard to second contention put forth on the side of the appellant/petitioner is that in the affidavit, it has been simply stated that the petitioner has been able to clear 4.82 metres in long jump. But in the record maintained by the respondent, it has been erroneously mentioned as 4.41 metres.

10. As rightly pointed out on the side of the respondent, the appellant/petitioner has simply expressed his ability with regard to clear of 4.82 metres in long jump. But actually in the record it is only mentioned as 4.41 metres. Therefore viewing from any angle, the contentions put forth on the side of the appellant/petitioner cannot be accepted.

11. The learned Single Judge after considering the divergent contentions put forth on either side has rightly dismissed the writ petition. In view of the discussion made earlier, this Court has not found any error nor illegality in the order passed by the learned Single Judge and altogether the present writ appeal deserves to be dismissed.

12. In fine, this writ appeal deserves dismissal and accordingly is dismissed without costs. Consequently, connected Miscellaneous Petition is dismissed.