

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.1399 & 1490 of 2014
in
W.P.Nos.6715/2008 & 24766/2006

1.A.Sivakumar ...Appellant in W.A.1399/2014
2.S.Selvam ...Appellant in W.A.1490/2014

Vs.

1. The Secretary,
State of Tamil Nadu,
Home (Police VI) Department,
Fort St. George, Chennai-9.
2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Anna Salai, Chennai.
3. The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai-4. ...Respondents in both appeals

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent Act, against the order dated 06.01.2011 & 14.02.2011 and made in W.P.No. 6715 of 2008 and W.P.No.24766 of 2006 respectively by the learned Judge of this Court.

Writ petition filed praying to issue a writ of Mandamus to direct the respondents to select and appoint the petitioner as Sub-Inspector of Police in pursuance of his participation in the selection of Sub-Inspector of police under direct recruitment quota of men for the year 1997-98. (Both Cases)

For Appellant : Mr.K.Venkataramani, SC
for Mr.M.Muthappan

For respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

C O M M O N J U D G E M E N T
[Judgment of the Court was made by M.VENUGOPAL, J.]

The appellants/petitioners have preferred the present Writ Appeals before this Court as against the orders dated 06.01.2011 and 14.02.2011 passed by the learned Single Judge in W.P.No.6715 of 2008 and W.P.No.24766 of 2006 respectively.

2.It comes to be known that the writ petitions viz., W.P.No.6715 of 2008 and W.P.No.24766 of 2006 filed by the appellants/petitioners in W.A.No.1399 & 1490 of 2014 were dismissed by the learned Single Judges of this Court on 06.01.2011 and 14.02.2011 respectively based on the ground of delay and laches in W.P.6715 of 2008 and laches in W.P.No.24766 of 2006.

3.At this stage, the learned Senior counsel for the appellants submit that there was no delay on the part of the appellant/writ petitioner in W.P.No.6715 of 2008 in approaching this Court, claiming appointment as Sub-Inspector of Police on par with similarly placed persons. Also, it is urged by the learned Senior counsel for the appellant in W.A.1490 of 2014 (petitioner in W.P.No.24766 of 2006) that the question of laches may not arise because of the appellant was not aware of the proceedings that took place before the Tamil Nadu Administrative Tribunal, Chennai and subsequently, a criminal case was registered against the members of the Tamil Nadu Uniformed Services Recruitment Board and after investigation, a charge sheet was filed against them.

4.The learned Senior counsel for the appellants projects an emphatic argument that if there was any flaw committed in the selection process, the entire selection stands vitiated and the appellant in W.A.No.1490 of 2014 who had secured over and above cut off marks in respect of MBC category is eligible to be selected as Sub-Inspector of Police on par with others who were benefited by the orders of Tamil Nadu Administrative Tribunal, Chennai Bench in O.A.No.7528 of 1998 etc., dated 19.07.2001. In this connection, the learned Senior Counsel for the appellants brings it to the notice of this Court that as against the members of the Tamil Nadu Uniformed Services Recruitment Board, Chennai a charge sheet was filed who had tampered the mark-sheet and made ineligible candidates to be selected as Sub-Inspector of Police and eligible candidates were made ineligible candidates by tampering the mark-sheet.

5.At this juncture, this Court very pertinently points out that in a similar issue, the Hon'ble First Bench of this Court in W.A.No.2348 of 2005 dated 17.12.2014 [P.Ragu Ganesh Vs. The State of Tamil Nadu rep. By its Secretary, Home (Police V) Department, Fort St. George, Chennai-9 & another] had observed and passed the following judgment:

"The writ petition filed by the petitioner has
been rejected solely on the ground of delay in

<https://hcservices.ecourts.gov.in/hcservices/>

approaching the Court. Learned counsel for the petitioner points out that similar candidates approached the Hon'ble Supreme Court and it was observed that the delay alone should not come in the way of such candidates getting relief, because the implementation of the order of the Tamil Nadu Administrative Tribunal was in question and had that Judgment been implemented, the occasion to approach the Court would not have arisen.

2.Learned Government Pleader states that similar matters are pending before the learned Single Judge including W.P.Nos.27850 to 27855 of 2014 etc., forming a batch of cases and that he could file the counter affidavit in the original petition and that petition can also be tagged along with the batch of writ petitions.

3.We, thus, set aside the impugned order and remit the matter back for re-consideration on merits before the learned Single Judge. As a consequence, W.P.No.23537 of 2005 stands restored and that petition also be tagged along with other writ petitions including W.P.Nos.27850 to 27855 of 2014."

and accordingly, allowed the Writ Appeal therein.

6.Following the judgment in W.A.No.2348 of 2005 dated 17.12.2014 as stated supra, this Court allows the present Writ Appeals W.A.Nos.1399 &1490 of 2014 with costs by setting aside the orders in W.P.No.6715 of 2008 and W.P.No.24766 of 2006 passed by the Learned Single Judges. Consequently, the Writ Petitions W.P.No.6715 of 2008 and W.P.No.24766 of 2006 are restored to file and the Registry is directed to tag the said Writ Petitions to be listed along with W.P.Nos.27850 to 27855 of 2014.

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Secretary,
State of Tamiul Nadu,
Home (Police VI) Department,
Fort St. George, Chennai-9.

2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Anna Salai, Chennai.

3. The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai-4.

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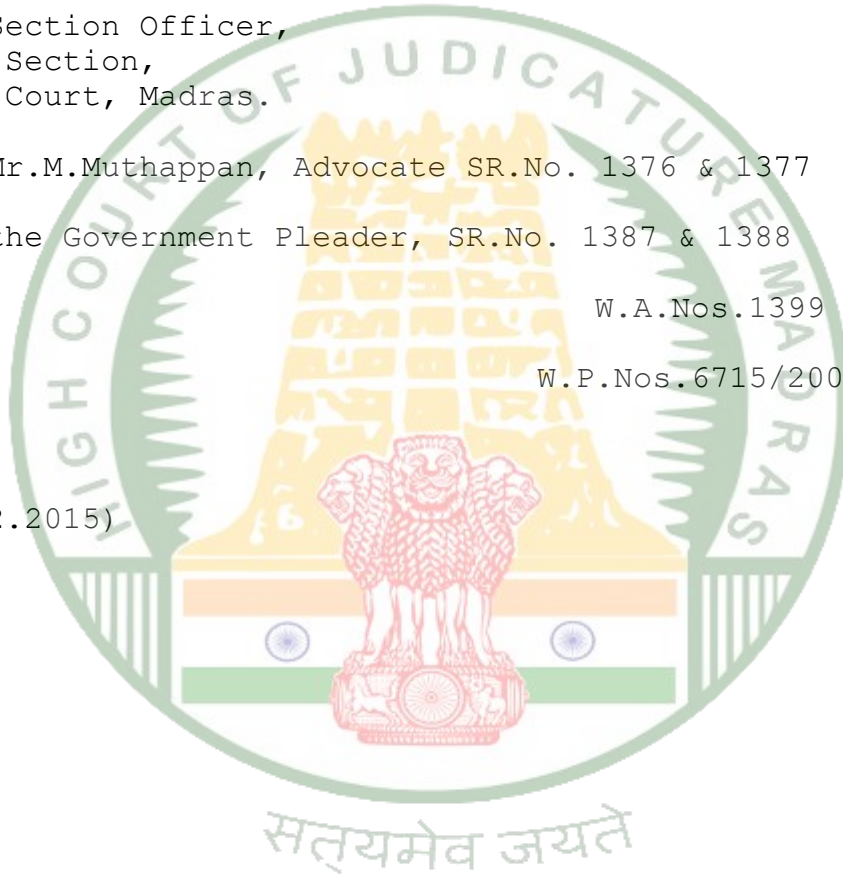
The Section Officer,
Writ Section,
High Court, Madras.

2 CCs to Mr.M.Muthappan, Advocate SR.No. 1376 & 1377

2 CCs to the Government Pleader, SR.No. 1387 & 1388

W.A.Nos.1399 & 1490 of 2014
in
W.P.Nos.6715/2008 & 24766/2006

TEJ (CO)
PSI (05.02.2015)



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