

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.11.2015

Reopened on : 06.01.2016

Delivered on : 27.01.2016

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.26325, 4735, 8305, 10996, 13635, 4303 to 4305,
9454, 9455, 13698, 13699, 6976, 1984, 1985, 22639,
28236, 11865, 11863, 10723, 20434 to 20436 of 2015,
W.P.No.33753 of 2004, W.P.No.23537 of 2005,
W.P.No.24766 & 6975 of 2006, W.P.No.27505 of 2007,
W.P.No.6715 of 2008, W.P.No.12330 of 2012
W.P.Nos.26790, 27705 to 27716, 27738 to 27744,
27850 to 27855, 28141 to 28144, 28213, 29368, 29369,
25146, 29805, 30347, 30624, 30625, 31002 to 31008,
28223, 30193, 30194, 32730, 32731 of 2014
W.P. (MD) .Nos.16649 to 16655, 16656 to 16669,
16674 to 16680, 16685 to 16694, 16732 to 16741,
17781, 17782, 19594, 19595 and 20418 of 2014
and connected Miscellaneous Petitions

R. RAMAR

S/O. K. RAMASAMY VAIGAI MATHAVANUR POST
DEVIPATTINAM (VIA) RAMANATHAPURAM TALUK
RAMANATHAPURAM DISTRICT-623 514.

... PETITIONER in WP No.26325 of 2015

S.PAPPAKILI

W/O.A.MARIAPPAN WOMEN HEAD CONSTABLE 827
MUNICIPAL COLONY EXTENSION
NEAR GOVT. ITI KONAM
NAGARCOIL DISTRICT.

... PETITIONER in WP No.4735 of 2015

S.PELAVADIYAN

S/O.U.SOMASUNDARAM
NO.115 NORTH STREET AKASAMPATTY
WATRAP (POST) SRIVILLIPUTHY (TK)
VIRUDHUNAGAR (DT) 626 132.

... PETITIONER in WP No.8305 of 2015

P.VASANTHA KUMAR

WARD NO.19 NORTH CAR STREET
GUDALUR THENI DISTRICT 625 518

... PETITIONER in WP No.10996 of 2015

A. ALAGURAJAN

S/O.ALAGAN NO.5/323 N.M.R.THERU
THERKU THERU VILLAGE MELUR
MADURAI DISTRICT 625 122

... PETITIONER in WP No.13635 of 2015

M.POTHIRAJ
S/O.MUTHIYA MANICAPURAM
KAMARAJARPURAM POST
BODINAICKANUR VIA
THENI DISTRICT

... PETITIONER in WP No.4303 of 2015

K.THIRUPATHI
S/O.LATE KULANDAIVEL
S.PARAIPATTI VILLAGE AND POST
SEMBATTI VIA ATTUR TALUK
DINDIGUL DISTRICT

... PETITIONER in WP No.4304 of 2015

A.VELUCHAMY
S/O.ARUMUGAPERUMAL
M.ARASANKULAM VILLAGE
V.VEDAPATTY POST
VILATHIKULAM TALUK
TUTICORIN DISTRICT

... PETITIONER in WP No.4305 of 2015

R.M.VELMURUGAN
NO.J-1 JAIL QUARTERS (OPP TO SOCIETY MAHAL)
PERUMALPURAM
THIRUNELVELI DISTRICT

... PETITIONER in WP No.9454 of 2015

A.KANNAN
NO.4/420 KURUMBAPATTI VILLAGE
MEENAKSHINAIKANPATTI POST
DINDIGUL AND DISTRICT

... PETITIONER in WP No.9455 of 2015

G.SARAVANAN S/O.GOVINDARAJ
OMSAKTHI ILLAM POSTAL COLONY
THANNEERPANDAL BUS STOP KARUR ROAD
DINDIGUL & DIST

... PETITIONER in WP No.13698 of 2015

P.KARIKALAN S/O.PANDI
H2 NEW POLICE QUARTERS SEELAPADI PO
DINDIGUL & DISTRICT.

... PETITIONER in WP No.13699 of 2015

S.SUNDARAM
S/O.M.SANKARAPANDIAN NO.B2
FIRE SERVICE QUARTERS

AR LINE PALAYAMKOTTAI
THIRUNELVELI DISTRICT

... PETITIONER in WP No.6976 of 2015

D.GANDHIRAJ
S/O.DURAIKANNU HEAD CONSTABLE 1466 (A.R)
PUDUKOTTAI DISTRICT

... PETITIONER in WP No.1984 of 2015

P.BALAKUMARASAMY
S/O.N.PALANICHAMY AALA MARTHUPATTY
PORULUR POST ODDANCHATRAM TALUK
DINDIGUL DISTRICT 624 616

... PETITIONER in WP No.1985 of 2015

V.A.JOTHI BASU S/O. V.G.AYYAN
NO.1/73 36 JEEVA NAGAR EMANESWARAM
PARAMAKUDI

... PETITIONER in WP No.22639 of 2015

P. RANI
D/O. PERIYASAMY 6TH WARD SOUTH STREET
OLD BATLAGUNDU DINDIGUL DISTRICT

... PETITIONER in WP No.28236 of 2015

K.SIVALINGAM
S/O. E.KARUPPANNAN 6-91/E SATHAMPALAYAM
KATTUVALAVU EDANGANASALAI (PO)
SANKARI TALUK SALEM DISTRICT-637502.

... PETITIONER in WP No.11865 of 2015

S.MALARVIZHI
D/O. M.SELLAPPAN 31 GOUNDAMPALAYAM
VELLUR (POST) P.VELUR TALUK
NAMAKKAL DISTRICT- 638182.

... PETITIONER in WP No.11863 of 2015

M.SAKTHIVELMURUGAN
S/O.MANICKA THEVAR NO.E6
SEMBIUM POLICE QUARTERS CHENNAI-11.

... PETITIONER in WP No.10723 of 2015

B.PAVALAVANNAN
S/O. G.BAKTHAVACHALAM HEAD CONSTABLE-23354
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT
SIC CHENNAI CITY POLICE.

... PETITIONER in WP No.20434 of 2015

A.KUMAR
S/O. M.ANNAPPAN HEAD CONSTABLE
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT
SIC CHENNAI CITY POLICE.

... PETITIONER in WP No.20435 of 2015

S.ELUMALAI

S/O. V.SABHAPATHI SUB-INSPECTOR OF POLICE
HEADQUARTERS CHENNAI CITY POLICE.

... PETITIONER in WP No.20436 of 2015

S.BALAKRISHNAN

GR-II POLICE CONSTABLE 1373
ARMED RESERVE MADURAI

... PETITIONER in WP No.33753 of 2004

P.RAJU GANESH

... PETITIONER in WP No.23537 of 2005

S. SELVAM

S/O. SOMU 11A EAST STREET MANJKOLLAI POST
CHIDAMBARAM T.K. CUDDALORE DISTRICT.

... PETITIONER in WP No.24766 of 2006

G. MUTHUKRISHNAN

S/O. V.GOVINDARAJAN NO.14
THONTHIVILAKAM STREET KALLADAKURUCHI
TIRUNELVELI DISTRICT
TAMILNADU-627 416.

... PETITIONER in WP No.6975 of 2006

S LATHA

D/O D. SATHASIVAM KEELA KADAMBUR MELA
KADAMBUR POST KATTUMANGARGUDI TALUK
CUDDALORE DISTRICT

... PETITIONER in WP No.27505 of 2007

A. SIVAKUMAR

NO.5 "O" BLOCK
KONDITHOPPU POLICE QUARTERS CHENNAI-9

... PETITIONER in WP No.6715 of 2008

A.SIMON WILLIAM RAJADURAI

1/29 SOUTH STREET IRUDAYAKULAM
VICKRAMASINGAPURAM
TIRUNELVELI DISTRICT-627 425.

... PETITIONER in WP No.12330 of 2012

S.KUMAR

S/O.SRINIVASAN PLOT NO.6
LINGA HOMES KANDASAMY 10TH STREET
PALAVAKKAM CHENNAI 41

... PETITIONER in WP No.26790 of 2014

K.KARUNAKARAN

S/O.LATE KAVANDAPPAN NO.E1/5
POLICE QUARTERS SHEVAPET SALEM-2.

... PETITIONER in WP No.27705 of 2014

K.MAHESHKUMAR

S/O KANNAN NO.39/15 RAMAKRISHNAN STREET

PERAMBUR CHENNAI-11.

... PETITIONER in WP No.27706 of 2014

R.SRINIVASAN
S/O.RAJAMANICKAM NO.15 D/1
PANNAIYAR STREET MANJAKUPPAM
CUDDALORE & DISTRICT.

... PETITIONER in WP No.27707 of 2014

N.SRIRAMAN
S/O.LATE NARAYANAN NO.2/439 ANBU NAGAR
2ND SCHEME MUDALAIPATTY POST
NAMAKKAL AND DISTRICT.

... PETITIONER in WP No.27708 of 2014

R.GUNASEELAN
S/O.RANGANATHAN NO.12 CHINDAMANI STREET
SENTHIL NAGAR THIRUMULLAIVOYAL CHENNAI-62.

... PETITIONER in WP No.27709 of 2014

M.ARULMANIMARAN
S/O.MUNISAMY NO.A/11
EGMORE POLICE QUARTERS
EGMORE CHENNAI.

... PETITIONER in WP No.27710 of 2014

N.K.ARUMUGAM
S/O.KATTAPPA REDDY NO.37
NELVOY VILLAGE & POST PERIYAPALAYAM VIA
THIRUVALLUR DISTRICT.

... PETITIONER in WP No.27711 of 2014

B.LAKSHMINARAYANAN
S/O.BALARAMAN NO.M-15 POLICE QUARTERS
(NEAR BUS TERMINUS) T.NAGAR CHENNAI

... PETITIONER in WP No.27712 of 2014

K.ANBALAGAN
S/O.P.KALIYAMOORTHY NO.42/1 TSP
2ND BATTALLION POLICE QUARTERS
S.M.NAGAR AVADI CHENNAI-62.

... PETITIONER in WP No.27713 of 2014

P.SIVAKUMAR
S/O.PARAMASIVAM NO.5 A BLOCK NEW MANNADY
POLICE QUARTERS DAVIDSON STREET
BROADWAY CHENNAI-1

... PETITIONER in WP No.27714 of 2014

J.KIRUBANANTHAN
S/O.N.JAYARAMAN NO.18/1
PUSHPAVATHI AMMAL STREET
WEST MAMBALAM CHENNAI-33.

... PETITIONER in WP No.27715 of 2014

P.PERUMAL
S/O.PARAMASIVAM NAGAPPA NAGAR
CHROMPET CHENNAI-44

... PETITIONER in WP No.27716 of 2014

J.ARUMUGAM
S/O.JADAYAN NARIYANERI VILLAGE AND POST
KANDHILI VIA THIRUPATTUR TALUK
VELLORE DISTRICT

... PETITIONER in WP No.27738 of 2014

G.JANARTHANAN

... PETITIONER in WP No.27739 of 2014

S.RAMACHANDRAN

... PETITIONER in WP No.27740 of 2014

E.SWAMINATHAN

... PETITIONER in WP No.27741 of 2014

R.RAMESH

... PETITIONER in WP No.27742 of 2014

M.SELVARAJU

... PETITIONER in WP No.27743 of 2014

C.VINOJEYAKUMAR
S/O.CHELLIAN NO.494 ANNA SALAI C-15
POLICE QUARTERS CHENNAI-6.

... PETITIONER in WP No.27744 of 2014

S.R.DEVANDRAN
S/O. T.G.SUBRAMANI 2/48 BAZAAR ROAD
ST. THOMAS MOUNT CHENNAI-16.

... PETITIONER in WP No.27850 of 2014

S.SURESH
S/O.N.SATHIRAKUMAR 1/62A ERIKARAI STREET
THANDALAM CHENNAI-600 077.

... PETITIONER in WP No.27851 of 2014

V.THANGAPAZHAM
S/O.VALLAVAN NO.66/85 KASTURIBAI STREET
KORANADU MAYILADUTHURAI
NAGAPATTINAM DISTRICT.

... PETITIONER in WP No.27852 of 2014

K.SETHU
S/O.KARUNANIDHI NEW NO.63 OLD NO.60
2ND STREET COLLECTOR NAGAR
ANNA NAGAR WESTERN EXTENSION CHENNAI-101

... PETITIONER in WP No.27853 of 2014

G.RAJENDRAN
S/O.GAJAPATHY 26 2ND CROSS STREET
PAZHAMALAI NAGAR PUDUKUPPAM
CUDDALORE 607 001

... PETITIONER in WP No.27854 of 2014

D.THANGAVEL
S/O.DHANDAPANI 236 S.V.KOIL ST.
ARIYAGOSHTI PO. PARANGIPETTAI
CHIDAMBARAM TALUK

... PETITIONER in WP No.27855 of 2014

P.MURUGESAN
S/O.PALANISWAMY ADVOCATE 1/82E
SUNDAKADU KOVILPALAYAM PUDUR
TIRUPPUR DISTRICT-638 660.

... PETITIONER in WP No.28141 of 2014

M.DIVAKAR
S/O.MUNUSAMY PANNIYUR VILLAGE
ISUKAZHI POST THANDARAI VIA
TIRUVANNAMALAI DISTRICT-606 804.

... PETITIONER in WP No.28142 of 2014

S.MAYAKRISHNAN
S/O.SUBRAMANIAN PANDUR VILLAGE AND POST
ULLUNDURPET TALUK
VILLUPURAM DISTRICT.

... PETITIONER in WP No.28143 of 2014

S.ELANGO
S/O.SRINIVASAN B-14 NEW POLICE QUARTERS
KUTCHERI ROAD MYLAPORE CHENNAI-4.

... PETITIONER in WP No.28144 of 2014

S.RAJA S/O.SHANUGAM
THOTTIPALAYAM VELLAMADAI PO
VYAMPALAYAM VIA COIMBATORE 641 110

... PETITIONER in WP No.28213 of 2014

K.SENTHAMARAI KANNAN
S/O.KARUPPAIAH P-3 POLICE QUARTERS
BHARATHI NAGAR CRAWFOD
TRICHY DISTRICT.

... PETITIONER in WP No.29368 of 2014

S.MALARAVAN S/O.SOMASUNDARAM
KOTTAPATHU TIRUCHIRAPALLI
TRICHY DISTRICT.

... PETITIONER in WP No.29369 of 2014

M.MUTHUKUMAR
S/O.MOOKAN HEAD CONSTABLE 35423
INTELLIGENCE SECTION CHENNAI CITY

O/O. COMMISSIONER OF POLICE
VEPERY CHENNAI-7.

... PETITIONER in WP No.25146 of 2014

T.SENTHIL MURUGAN
S/O.THANGARAJ NO.51
VARATHRAYAPANPALAYA STREET
THIRUVANNAMALAI DISTRICT.

... PETITIONER in WP No.29805 of 2014

N.PADMANABHAN
S/O.C.NATARAJAN NO.1259/3 E.B.NAGAR
RATINAMANGALAM SEVUR POST ARANI
TIRUVANNAMALAI DISTRICT.

... PETITIONER in WP No.30347 of 2014

R.PANDIYAN
S/O.M.RATHINASAMY NO.B-59
NEW POLICE QUARTERS FLAT NO.6/202
KUTCHERY ROAD MYLAPORE CHENNAI-4.

... PETITIONER in WP No.30624 of 2014

G.VENKATESAN
S/O.GURUSAMY D50 21ST STREET
PERIYAR NAGAR CHENNAI-82.

... PETITIONER in WP No.30625 of 2014

P.MAGESWARAN
S/O.ANANDAN @ POOKULI OLD NO. 56 NEW NO.96
NEW STREET MYLAPORE CHENNAI 4

... PETITIONER in WP No.31002 of 2014

R. ANANDAN
S/O.RAJANGAM NO. 11-A BLOCK
TAMILNADU POLICE HOUSING QUARTERS
DR. BESANT ROAD
ICE HOUSE CHENNAI 5

... PETITIONER in WP No.31003 of 2014

S.ASHOK KUMAR
S/O.SHANKARAN NO.702 4TH NORTH STREET
THYAGARAJA NAGAR TIRUNELVELI 627 011

... PETITIONER in WP No.31004 of 2014

A. JEYAPALAN
S/O.P.ALAGAR NO.3A/F2 JEGA JEEVAN RAM COLONY
MAIN ROAD BHARATHI NAGAR
SELAIYUR CHENNAI 73

... PETITIONER in WP No.31005 of 2014

K.PRABAKARAN
S/O.P.KRISHNAN NO.2/914 2ND STREET
MAHATMA GANDHI NAGAR VETTUVANKANNI
CHENNAI 41

... PETITIONER in WP No.31006 of 2014

P.VENKATESH GANDHI KUMAR
S/O.A.PALANISAMY NO.7 E BLOCK
POLICE QUARTERS ANNA SALAI
TEYNAMPET CHENNAI 6

... PETITIONER in WP No.31007 of 2014

S.RAMACHANDRAN
S/O.SOMU NO.7 W BLOCK PALLAKKUMANAGAR
MYLAPORE CHENNAI 4

... PETITIONER in WP No.31008 of 2014

B.R.RAJA S/O.B.RENGASAMY
NO.7/34 JAIBALAJI NAGAR 2ND MAIN ROAD
MADAVARAM MILK COLONY CHENNAI 51

... PETITIONER in WP No.28223 of 2014

G.CHANDRASEKARAN
S/O.C.GOVINDASAMY 30B 2ND NEW STREET
MAYILDUTHURAI NAGAPATTINAM DISTRICT-609 001.

... PETITIONER in WP No.30193 of 2014

S.GANESHKUMAR
S/O.SAMIKANNU NO.14 NORTH STREET
P.THIRUMALAM AGARATHIRUMALAM POST
NANNILAM TALUK TIRUVARUR DISTRICT-609 503.

... PETITIONER in WP No.30194 of 2014

S.SIVARAJA
S/O.SUBRAMANIAN 1H/1395 1ST STREET (EAST)
NICHELESAN NAGAR MILLARPURAM TNHB
THOOTHUKUDI DISTRICT

... PETITIONER in WP No.32730 of 2014

T.K.NEELAMEGAM
S/O.T.KARUPPANAN MANDAPAM PUDUR
SRI RAMAPURAM POST VEDASAMUDRAM TALUK
DINDIGUL DISTRICT

... PETITIONER in WP No.32731 of 2014

K.SUGUMARAN
S/O.KARUPPIAH NO.32/W/2
PATTALAMMAN KOVIL STREET
GUDALUR THENI DISTRICT

... PETITIONER in WP(MD) No.16649 of 2014

N.SENTHILKUMAR
S/O.NATARAJAN OLD GANDHARVAKOTTAI
GANDHARVAKOTTAI POST & TALUK
PUDUKOTTAI DISTRICT

... PETITIONER in WP(MD) No.16650 of 2014

U.SENTHILNATHAN

S/O.ULAGANATHAN NO.C1 NEW POLICE LINE
MANSINGPET BEEMA NAGAR TRICHY-1

... PETITIONER in WP(MD) No.16651 of 2014

K.THIRUNAVUKKARASU

S/O.M.KANDASAMY EAST STREET

K.THEKKUR NADUR POST ORATHANADU TALUK
THANJAVUR DISTRICT

... PETITIONER in WP(MD) No.16652 of 2014

P.JEYAKUMAR

S/O.POTHIRAJ NO.10

EAST ADAYAVALANCHAN STREET
(NEAR CHITRAMBALAM MATRIC SCHOOL)
SRIRANGAM TRICHY

... PETITIONER in WP(MD) No.16653 of 2014

R.SENTHILKUMAR

S/O.RAJAGOPALAN NO.07 RSV COLONY
INDIRA NAGAR KOTTAPATTU TRICHY-04

... PETITIONER in WP(MD) No.16654 of 2014

N.RAJKUMARAN

S/O.NATARAJAN KAVARAPATTY
N.POOLAMPATTY POST MANAPARAI TALUK
TRICHY DISTRICT

... PETITIONER in WP(MD) No.16655 of 2014

S.ALLIARASAN

S/O.SUBBAIAH NO.E.1. POLICE QUARTERS
MADURAI ROAD TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16656 of 2014

K.MAMMUDU

S/O.KALIMUTHU A/114 SARANYA NAGAR
MAHARAJA NAGAR PALAYAMKOTTAI
TIRUNELVELI.

... PETITIONER in WP(MD) No.16657 of 2014

C.SHANTHAVALLI

W/O.BALASUBRAMANIAN NO.B71 TNHB COLONY
KEELANATHAM KTC NAGAR NORTH
TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16658 of 2014

P.MURUGAN

S/O.PITCHAYA KURICHI MELAPALAYAM
PALAYAMKOTTAI TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16659 of 2014

M.G.RAJA ROBERT

S/O.M.GEORGE VEPPAMOTTUVILAI

PECHIPARAI POST KALKULAM TALUK
KANYAKUMARI DISTRICT.

... PETITIONER in WP(MD) No.16660 of 2014

V.S.EBENEZER
S/O.V.SUNDARAM NO.10 POLICE QUARTERS
PERUMALPURAM TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16661 of 2014

M.SHANMUGASUNDARAM
S/O.MURUGAN NO.E.6 A.R.LINE PALAYAMKOTTAI
TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16662 of 2014

U.THANASEELAN
S/O.L.UKKIRASINGAM NO.23 H.MIDDLE STREET
POTHIGAIADI V.K.PURAM POST
TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16663 of 2014

K.JANAKAN
S/O.KANDASAMY NO.5/2-A/3C PATHINATHAPURAM
(OPP. SPINNING MILL) MILLARPURAM
TUTICORIN.

... PETITIONER in WP(MD) No.16664 of 2014

M.KAUVURAJAN
S/O.MALAIKKALAI NO.109D
THIRUVALLUVAR NAGAR V.K.PURAM
AMBASAMUDRAM TALUK
TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16665 of 2014

S.PONRAJA
S/O.SUNDARAPANDI NO.9/147 WEST STREET
KODANKULAM RADHAPURAM TALUK
TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16666 of 2014

G.SOORIAN
S/O.GANAPATHY NO.8/55F DEVA ILLAM
SELVALAKSHMINAGAR EXTN. KRISHNAPURAM
PLAYAMKOTTAI TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16667 of 2014

S.SELVANAYAGAM
S/O.SUNDARARAJ NO.2/76 NORTH STREET
SIVARAMA MANGALAM APPAN KOVIL POST
SRIVAIGUNDAM TUTICORIN DISTRICT.

... PETITIONER in WP(MD) No.16668 of 2014

S.ARUMUGAM
S/O.A.SETHURAMALINGAM NO.12
WEST CAR STREET VASUDEVANALLUR
SIVAGIRI TALUK TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.16669 of 2014

R.SIVALINGAM
S/O.RAJA FLAT NO.90A CKB GARDEN
EB COLONY OPPOSITE OLAIYUR MAIN ROAD
K.K.NAGAR POST TRICHY-62 621

... PETITIONER in WP(MD) No.16674 of 2014

D.PREM ANAND
S/O.LATE K.DURAIRAJ NO.T-1 3RD FLOOR
SIVADARSHAN APARTMENT SANKARAN NAGAR
NO.1 TOLL GATE TRICHY 612 216

... PETITIONER in WP(MD) No.16675 of 2014

K.P.VENKATESAN
S/O.K.PITCHAI 8/1/9A
SUBRAMANIA SIVA STREET
SOUTH JAGANNATHAPURAM
PALANICHETTYPATTI PO THENI DISTRICT 626 531

... PETITIONER in WP(MD) No.16676 of 2014

R.RAJA S/O.RAMARAJAN
GANDHIJI STREET KUCHANUR PO
UTHAMAPALAYAM TALUK THENI DISTRICT 625 515

... PETITIONER in WP(MD) No.16677 of 2014

V.SAMPATH KUMAR
S/O.LATE M.VELAYUDHAM NO.7 NEW SELVA NAGAR
PONNAGAR PO TRICHY 620 001

... PETITIONER in WP(MD) No.16678 of 2014

L.NAGALINGAM
S/O.N.LAKSHMANAN L-1
CRIME BRANCH POLICE QUARTERS
TPK ROAD MADURAI-1.

... PETITIONER in WP(MD) No.16679 of 2014

P.SRINIVASAN
S/O.PONGINAN NO.43 MULLAI STREET
HIGHWAYS COLONY
SUBRAMANIAPURAM TRICHY-20.

... PETITIONER in WP(MD) No.16680 of 2014

V.BHASKARAN
S/O.VEERASUNDARAM GR-I POLICE QUARTERS
BHARATHI NAGAR CRAFTFORD TRICHY 12

... PETITIONER in WP(MD) No.16685 of 2014

R.NEDUMARAN
S/O.P.T.RAMALINGAM 5A
KUTTIAMBALAKARAN PATTY K.K.NAGAR
UDAIYANPATTI TRICHY 620 621

... PETITIONER in WP(MD) No.16686 of 2014

G. RAJESH KANNAN

S/O.GOVINDASAMY NO.2 POLICE QUARTERS
NACHIAR KOIL KUMBAKONAM TALUK
THANJAVUR DISTRICT

... PETITIONER in WP(MD) No.16687 of 2014

VELMURUGAN
S/O.RAMANUJAM AYUDHAKALAM NORTH
UDAYARPALAYAM TALUK
ARIYALUR DISTRICT 612 901

... PETITIONER in WP(MD) No.16688 of 2014

S.RAMESH
S/O.M.SHANMUGAM NO.5/301
VANCHINATHAN NAGAR
DHEERAN NAGAR (EXTENSION)
TRICHY 620 009

... PETITIONER in WP(MD) No.16689 of 2014

V.R.SHANKAR
S/O.RATHINAM NO.25 KUDI ST
SENGUDI VILLAGE SIRUGAMBUR PO
MANACHANALLUR TK TRICHY DISTRICT

... PETITIONER in WP(MD) No.16690 of 2014

J.MUTHU KUMAR
S/O.JAMBULINGAM OLD NO.66/2 NEW NO.231
VELLALAR ST AYANAVARAM CHENNAI 23

... PETITIONER in WP(MD) No.16691 of 2014

SHANMUGARAJ

... PETITIONER in WP(MD) No.16692 of 2014

S.BALASUBRAMANIAN
S/O.V.SHANMUGAM
NO.44A NARASINGAMANGALAM
SAMAYAPURAM MANACHINALLUR TALUK
TRICHY DISTRICT

... PETITIONER in WP(MD) No.16693 of 2014

R.KARUNAKARAN
S/O.RANGARAJU C-9
POLICE QUARTERS
PONNIAMMAN KOIL STREET
KOTTURPURAM CHENNAI

... PETITIONER in WP(MD) No.16694 of 2014

M.MANICKAM
S/O.MATHIALAGAN 350-J(1)
VINAYAGAR NAGAR
PASUMALAI MADURAI DISTRICT.

... PETITIONER in WP(MD) No.16732 of 2014

S.LATHAKUMARI
W/O.K.J.SPIDHAR NO.1/366 KAILASAM KAVERI

4TH CROSS STREET SREE NAGAR IYER BUNGALOW
MADURAI DISTRICT.

... PETITIONER in WP(MD) No.16733 of 2014

R.JAYAKANNAN
S/O.R.RANGARAJAN 19 MALAPETTAI STREET
VIRUDHUNAGAR

... PETITIONER in WP(MD) No.16734 of 2014

R.JAYA GAJENDRAN
S/O.RAJU 18-A AAA RESIDENCY
Y.PUDUPATTI KADATHENNENDAL
OTTAKADAI MADURAI-625 107.

... PETITIONER in WP(MD) No.16735 of 2014

G.PARAMASIVAM
S/O.GURUSWAMY B4/3
MOUNTAIN BRANCH POLICE QUARTERS
VISWANATHAPURAM MADURAI DISTRICT.

... PETITIONER in WP(MD) No.16736 of 2014

A.MURUGESAN
S/O.AYYAVU THEVAN 20/33 NETHAJI STREET
DR. MEENACHI SUNDARAM HOUSE PANDIAN NAGAR
KOSAKULAM MADURAI-17

... PETITIONER in WP(MD) No.16737 of 2014

C.RAJA
S/O.L.CHINNAIAH 1/179/2 SUBBAIAH STREET
SURYA NAGAR K.PUDUR MADURAI-625 007.

... PETITIONER in WP(MD) No.16738 of 2014

C.SOMASUNDARM
S/O.CHINNAIYAN 2/75 GOKHALE STREET
NARAYANAPURAM MADURAI

... PETITIONER in WP(MD) No.16739 of 2014

P.MAHENDRAN
S/O.S.PETHARASU 2/340/A1 GAYATRI NAGAR
IYER BUNGALOW MADURAI-14.

... PETITIONER in WP(MD) No.16740 of 2014

M.ANTHONY MANUEL
S/O.MANICKAM 298 VELLALA 2ND STREET
B.V. KULAM MADURAI

... PETITIONER in WP(MD) No.16741 of 2014

B.SIVARAJ
S/O.BALAGURUSWAMY NO.212 (OLD NO.81-C)
KALAI NAGAR KOTTAR AND POST NAGERCOIL
KANYAKUMARI DISTRICT

... PETITIONER in WP(MD) No.17781 of 2014

G. SOUNDARARAJ

S/O.GOVINDAN NO.2/304 MIDDLE STREET
VENKITAKULAM AND POST ALANGUDI TALUK
PUDUKOTTAI DISTRICT

... PETITIONER in WP(MD) No.17782 of 2014

N.MAHARAJA
S/O.NAGALINGAM WEST STREET
OLD VATHALAGUNDU NILAKOTTAI TALUK
DINDIGUL DISTRICT

... PETITIONER in WP(MD) No.19594 of 2014

S.TAMILSELVAN
S/O.SANNASI NO.422/.Y1 PASUMAI NAGAR
KODUVILARPATTI ROAD ARANMANAIPUDUR VILLAGE
THENI TALUK & DISTRICT

... PETITIONER in WP(MD) No.19595 of 2014

M.SELVAM
S/O.C.MUTHUKAMUTHEVAR NO.3 MEENAKSHI
GARDEN VISALACHIPURAM RESERVE LINE
MADURAI-14

... PETITIONER in WP(MD) No.20418 of 2014

Vs.

THE SECRETARY TO GOVERNMENT
HOME (POLICE II) DEPARTMENT
FORT ST. GEORGE CHENNAI-9.

...R1 in WPs.26325,4735,8305,10996,
13635,4303 to 4305,9454,9455,13698,
13699,6976,1984,1985,22639,28236,
11865,11863,10723,20434 to 20436/15,
24766 & 6975/06, 26790,27705 to 27716,
27738 to 27744,27850 to 27855,28141 to
28144,28213,29368,29369,25146,29805,
30347,30624,30625,31002 to 31008,28223,
30193,30194,32730 & 32731/14, 6715/08
WP(MD).Nos.16649 to 16669, 16674 to
16680,16685 to 16694,16732 to 16741,
17781,17782,19594,19595 & 20418/14

THE SECRETARY TO GOVERNMENT,
HOME POLICE(V) DEPARTMENT,
FORT ST. GEORGE, CHENNAI 9

...R1 in WPs.23527/05, 27505/07
& 12330/12

THE DIRECTOR GENERAL OF POLICE
DR. RADHAKRISHNAN SALAI
MYLAPORE CHENNAI-4.

...R1 in WP.33753/04

...R2 in WPs.26325,4735,8305,10996,
13635,4303 to 4305,9454,9455,13698,

13699,6976,1984,1985,22639,28236,
11865,11863,10723,20434 to 20436/15,
24766 & 6975/06, 26790,27705 to 27716,
27738 to 27744,27850 to 27855,28141 to
28144,28213,29368,29369,25146,29805,
30347,30624,30625,31002 to 31008,28223,
30193,30194,32730 & 32731/14, 6715/08
WP(MD).Nos.16649 to 16669, 16674 to
16680,16685 to 16694,16732 to 16741,
17781,17782,19594,19595 & 20418/14

THE CHAIRMAN
TAMILNADU UNIFORMED SERVICES RECRUITMENT BOARD
ANNA SALAI CHENNAI-2.

...R2 in WPs.23537/05 & 33753/04

...R3 in WPs.26325,4735,8305,10996,
13635,4303 to 4305,9454,9455,13698,
13699,6976,1984,1985,22639,28236,
11865,11863,10723,20434 to 20436/15,
24766 & 6975/06, 6715/08, 26790,27705
to 27716,27738 to 27744,27850 to 27855,
28141 to 28144,28213,29368,29369,25146,
29805,30347,30624,30625,31002 to 31008,
28223,30193,30194,32730 & 32731/14
WP(MD).Nos.16649 to 16669, 16674 to
16680,16685 to 16694,16732 to 16741,
17781,17782,19594,19595 & 20418/14

THE CHAIRMAN
TAMILNADU UNIFORMED SERVICES RECRUITMENT BOARD
9TH CROSS STREET, INDIRA NAGAR
CHENNAI-20.

...R2 in WP.27505/07

...R3 in WPs.6975/06 & 12330/12

(i) W.P.Nos. 26325, 4735, 8305, 10996, 1335, 1984, 1985
of 2015, 26790, 27705 to 27716, 27738 to 27744, 27850 to
27855, 28141 to 28144, 30347, 31002 to 31008, 30193, 30194,
32730 & 32731 of 2014, WP(MD). Nos. 16649 to 16669, 16674 to
16680, 16685 to 16694, 16732 to 16741, 17781, 17782, 19594 &
19595 of 2014 : Petitions presented under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,
directing the respondents to select the petitioner for
appointment as Sub Inspector of Police in pursuance of the cut
off marks secured by them in the recruitment process conducted
in the year 1997-98 as per the orders of the Tamil Nadu
Administrative Tribunal in O.A.No.9825 of 1998 dated
19.07.2001 and also based on the orders of the Supreme Court
in SLD No.21828 of 2006 in Civil Appeal No.7667 of 2014 etc.
dated 7.8.2014 and appoint them as Sub Inspector of Police and
grant them all consequential service and monetary benefits.

(ii) WP.Nos.4303 to 4305, 9454, 9455, 13698, 13699, 6976, 28236, 20434 to 20436 of 2015, 30624 & 30625 of 2014 : Directing the respondents to select the petitioner for appointment as Sub Inspector of Police in pursuance of the cut off marks secured by them in the recruitment process conducted in the year 1997-98 as per the orders of the Supreme Court in SLP No. 21828 of 2006 in Civil Appeal No.7667 of 2014, etc. dated 7.8.2014 and appoint them as Sub Inspector of Police and grant them all consequential service and monetary benefits.

(iii) Wp.No.33753 of 2004 : Directing the respondents 1 & 2 herein to select and appoint the petitioner as Sub Inspector of Police for the Year 1997 - 98 with all consequential monetary and service benefits.

(iv) WP.No.23537 of 2005 : Directing the 2nd Respondent to consider and dispose of the Petitioner's representation dated 11.04.2005 considering and appoint as Sub Inspector of Police in Regn.No.330843 for the year 1997 - 98.

(v) WP.No.22639 of 2015 : Calling for the records of the 3rd Respondent in connection with the impugned order passed by him in Na.Ka.No.A3/02364/2015 dated 12.06.2015 and quash the same and direct the respondents to select & appoint the petitioner as Sub Inspector of Police as per the cut off marks secured by him in the year 1997-98 as per the orders of the Tribunal in O.A. No.9825 of 1998 dated 19.7.2001 and the orders of the Supreme Court in SLP No.21828 of 2006 in civil Appeal No.7667 of 2014, etc dated 7.8.2014 and appoint him as Sub Inspector of Police.

(vi) WP.No.28213 of 2014 : calling for the records of the 2nd respondent in connection with the impugned order in RC.No.D1/1861/2006 dated 25.04.2006 and quash the same and direct the respondents to select & appoint the petitioner as Sub Inspector of Police as per the cut off marks secured by him in the year 1997-98 as per the orders of the Tribunal in O.A. No.9825 of 1998 dated 19.7.2001 and the orders of the Supreme Court in SLP No.21828 of 2006 in civil Appeal No.7667 of 2014, etc dated 7.8.2014 and appoint him as Sub Inspector of Police.

(vii) WP.No.29805 of 2014 : Calling for the records relating to the proceedings of the 2nd respondent dated 14.05.2010 issued in her proceedings No. C.No. D1/724/2007 and quash the same and consequently to direct the 2nd respondent to reconsider the certificates of the petitioner in terms and directions of the Division Bench of this Court dated 05.01.2010 in W.A.No. 1342 of 2007 and to direct the respondents to consider the petitioner for selection and appointment to the post of Sub-Inspector of Police under B.C. Quota for the year 1997-1998 with all service and monetary benefits.

(viii) WP.No.28223 of 2014 : Directing the respondents to call the petitioner for interview based on the lowest cut off marks secured by him in pursuance of the selection for appointment to the post of Sub Inspector of Police conducted in the year 1997-98 as per the decision of the Tamil Nadu Administrative Tribunal dated 19.7.2001 in O.A.No.9825 of 1998 and the orders of the Division Bench in Para 6 in W.P.No.17639 to 17660 of 2001 dated 25.02.2005 and also the order of the Supreme Court in SLP No.21828 of 2006 in Civil Appeal No. 7667 of 2014 etc. dated 7.8.2014 and appoint him as Sub Inspector of Police and grant him all consequential service and monetary benefits.

(ix) WP.Nos.11865, 11863 & 10723 of 2015, 29368, 29369 & 25146 of 2014 : Petitions presented to direct the respondents to pass orders on the representation dated 31.03.2015, 01.04.2015, 16.02.2015, 24.09.2014, 24.09.2014 and 25.08.2014 respectively made by the petitioner to select and appoint them as Sub-Inspector of Police, Category-I for the year 1997-98 based on the Judgment of the Supreme Court in Civil Appeal No.7667 of 2014 in SLP (C) No.21828 of 2006, etc. dated 7.8.2014.

(x) WP.Nos.6715 of 2008 & 24766 of 2006 : Directing the respondents to select and appoint the petitioner as Sub Inspector of Police in pursuance of their participation in the selection of Sub Inspector of Police under direct recruitment quota for the year 1997 - 98.

(xi) WP.No.6975 of 2006 : Directing the R3 to recruit and appoint the Petitioner for the post of Sub Inspector as per directions of this Court order dated 25.02.2005 in WP.Nos.17639 to 17660 of 2001 etc.,

(xii) WP.No.27505 of 2007 : Directing the respondents to consider the petitioners candidature for the post of Sub Inspector invalidating the zone - wise 17639/2001 etc and in accordance with the rules to be followed by the respondents herein in the process of selection in pursuant to the above said order within a reasonable time to be fixed by his Court.

(xiii) WP.12330 of 2012 : Calling for the records relating to the order Na.Ka.No.D3/567/2012 dated 14.3.2012 of the 3rd respondent and quash the same and consequently direct the 2nd respondent to appoint the petitioner for the post of Sub Inspector.

(xiv) WP(MD).No.20418 of 2014 : Directing the respondents to select the petitioner on the representation dated 10.11.2014 in the recruitment process conducted in the Year 1997 - 98 and also the orders of the Supreme Court in SLP No.24072 of 2007 in Civil Appeal No.7672 of 2014 and SLP(C) No.23905 of 2007 in Civil Appeal No.7669 of 2014 etc. dated

07.08.2014 and appoint him as Sub Inspector of Police and grant him all consequential Service and monetary benefits.

For Petitioners : Mr.A.Lakshmi Narasimhan
in W.P.No.26325/2015

Mr.P.Satheesh Kumar
in W.P.No.23537/2005

Mr.Venkataramani, Senior Counsel
assisted by
Mr.M.Muthappan and
Mr.T.Ayengaraprabhu
in W.P.Nos.24766/2006, 6715/2008,
26790/2014, 27850 to 27855/2014,
28141 to 28144/2014, 28213/2014,
25146/2014, 30347/2014, 28223/2014,
4735/2015, 8305/2015, 10996/2015,
13635/2015, 30193/2014, 30194/2014,
22639/2015, 27505/2007,
W.P.(MD).Nos.16674 to 16680,
16685 to 16694, 16732 to 16741/2014

Mr.K.Venkataramani, Senior Counsel
assisted by M/s.Sudha Ravi Associates
in W.P.No.33753 of 2004

Mr.K.S.Viswanathan,
for Mr.S.Sivakumar
in W.P.Nos.27705 to 27716/2014,
9454/2015, 9455/2015, 6975/2006
13698/2015, 13699/2015, 6976/2015,
32730/2014, 32731/2014 and
W.P.(MD).Nos.16656 to 16669, 17781,
17782, 19594 and 19595 of 2014

Mr.P.Kannan Kumar
in W.P.Nos.29368 and 29369 of 2014

Mr.Balan Haridas,
in W.P.No.25146 of 2014

Mr.P.I.Thirumoorthy
in W.P.Nos.29805, 31002 to 31008/2014

Mr.A.Edwin Prabakar
in W.P.Nos.30624 and 30625 of 2014

Mr.K.M.Vijayan, Senior Counsel
Assisted by Mr.G.Ilamurugan and
Mr.J.Karthick
in W.P.Nos.27738 to 27744, 4303 to
4305 of 2014, 28236/2015 and
W.P.(MD).Nos.16649 to 16655/2014

Mr.L.Chandrakumar
for Mr.M.Muthappan
in W.P.Nos.1984 and 1985 of 2015

Mr.M.Selvam in
W.P.Nos.11865, 11863 and 10723/2015

Mr.S.T.Varadharajulu,
in W.P.No.12330 of 2012

Mr.G.Bala and Daisy
in W.P.Nos.20434 to 20436 of 2015

Mr.M.Velkaniraju,
in W.P. (MD).No.2041 of 2014

For Respondents : Mr.A.L.Somayaji, Advocate General
assisted by
Mr.V.Subbiah, Special Govt. Pleader
for State Government

C O M M O N O R D E R

The present litigation is having a long and chequered history, as the challenge was made for selection to the post of Sub-Inspectors of Police by way of direct recruitment during the years 1998, 1999, 2000 and 2001, before the Tamil Nadu Administrative Tribunal, which ultimately reached the portals of the Hon'ble Supreme Court of India and a decision was rendered on 07.08.2014 in C.A.Nos.7668/2014 etc. batch and the petitioners herein placed their claim in the light of the above said judgment rendered by the Hon'ble Supreme Court of India, came forward to file these writ petitions.

2. Facts in brief, which are necessary and relevant for the disposal of these writ petitions, are as follows:

2.1. The Tamil Nadu Uniformed Services Recruitment Board [in short "TNUSRB"] invited applications for selection to the post of Sub-Inspectors of Police by way of direct recruitment from open market as well as from departmental candidates for the year 1997-1998 and since the selection was made on range wise basis, lot of resentment emanated, which resulted in filing of Original Applications in O.A.Nos.9825/1998 etc. batch before the Tamil Nadu Administrative Tribunal [in short "Tribunal"].

2.2. The primordial challenge made to range-wise basis of selection was that though the applicants, who had approached the Tamil Nadu Administrative Tribunal, secured very high marks, were not selected, whereas the candidates, who had secured lower marks in other ranges, got selected. The

Tribunal formulated the following points for consideration:

(i) Whether the selection of departmental candidates under 20% quota meant for them in direct recruitment for the post of Sub-Inspector of Police, for the year 1997-1998 was made on Zonewise or Statewise basis?

(ii) Whether the selection for the posts of Sub-Inspector of Police by direct recruitment from open market was made on zonewise basis is legal?

The Tribunal, taking note of various allegations, culled out the following facts:

(i) Among the candidates from open market for direct recruitment to the post of Sub-Inspector of Police, some of them were not called for viva-voce test, though they have secured higher marks than the other candidates appeared in other zone and who were allowed to participate in the viva-voce test.

(ii) Even after participation in interview, some candidates were not selected, when the candidates who have secured lesser marks from the other zones were selected for appointment.

The Tribunal found that selection made on zone-wise basis is contrary to the judgment of the Hon'ble Supreme Court of India in Radhey Shyam Singh and Others v. Union of India [1997 (1) SCC 60]. The Tribunal, taking note of the fact that number of years had passed from the date of announcement of the selection made on zone-wise basis, was not inclined to set aside the selection and further taking note of the fact that most of the applicants had secured higher marks than the persons selected from other ranges, thought fit to direct the State to give them orders of appointment as the number is limited to 12. Insofar as selection of candidates under departmental quota, the Tribunal has observed that the applicants who have appeared for selection while serving in the department as Police Constables/Head Constables, are to be selected and appointed as Sub-Inspectors of Police in the same manner as that of the applicants who have been directed to be appointed by way of direct recruitment. The Tribunal has passed the above said common order on 19.07.2001.

2.3. The official respondents, namely the State of Tamil Nadu, represented by its Secretary, Home (Police V) Department, Fort St. George, Chennai-9 and the Chairman, TNUSRB, filed W.P.Nos.17639/2001 etc. batch challenging the legality of the above said common order passed by the Tribunal and since some of the original applications have not been listed along with the original applications and remained undisposed of, were also tagged along with the above said writ petitions filed by the official respondents. The Division

Bench of this Court, after taking note of the decision in Radhey Shyam Singh case (cited supra), has found that in the matter of selection for employment in the services of the State, while merit should be the basis for selection, zone-wise selection would result in less meritorious candidates being selected in one zone while more meritorious candidates might lose their chances in another zone. The Division Bench of this Court also found that even going by prevailing rules, notifications and other proceedings, they are unable to hold that zone-wise selection was either contemplated or permissible and held that in the absence of a specific rule in the Special Rules for Tamil Nadu Police Subordinate Service, the action of the writ petitioners/official respondents in having resorting to such a zone-wise selection, can never be approved. The Division Bench, in the light of the above cited reasons, had concluded that the selection to the post of Sub-Inspector of Police (Men and Women) by way of direct recruitment in the year 1997-1998 for the Tamil Nadu Police Department pursuant to the notification dated 02.04.1998 from the open market, was invalid on the ground that such selection was made zone-wise without any provision in the statutory rules and also without prescribing such a procedure in the relevant notification for making such selection. The Division Bench had also expressed its view that it will not be appropriate to set aside the whole selection at this point of time and taking note of the various decisions of the Hon'ble Supreme Court of India, held that creating such a situation by setting aside the whole selection, will not be conducive to the State administration.

2.4. The Division Bench has also taken note of the fact that the Government has ordered for recruitment of 1000 Sub-Inspectors of Police, vide G.O.Ms.No.1317, Home (Pol-III) Department dated 08.09.1997 and the ultimate selection was only to an extent of 918 candidates and the final order of appointment was issued only to 881 candidates in respect of the selection for the year 1997-98 and further taking note of the fact that with regard to the alleged malpractices, the Director of Vigilance and Anti-Corruption Department has also come out with a list that 53 ineligible candidates were benefited and that 10 eligible candidates were deprived of selection, also held that the said report would always be subject to the final outcome of the criminal case registered against three members of the Selection Committee and one other past employee of the writ petitioner, namely TNUSRB. Insofar as the candidates who have belatedly approached the Tribunal, the Division Bench held that they cannot be granted relief on account of delay and laches. In para 73, the Division Bench has issued the following directions, vide order dated 25.02.2005:

"73. In such circumstances, we pass the following order:

i) The Selection of both of Sub-Inspectors of Police (Men and Women) pursuant to the selection made for the vacancies notified for the year 1997-98 by resorting to zone-wise selection was invalid inasmuch as such zone-wise selection was impermissible under Special Rules governed for Tamil Nadu Police Sub-ordinate Service.

ii) Having regard to the fact that such selection and appointment came to be made as early as far back as in the year 1999, at this distant point of time, applying the ratio of the Honble Supreme Court referred to in earlier paragraphs (i.e. para 61 to 64), we are not inclined to set aside the said selection.

iii) Even as regards the 53 candidates with reference to whom the Directorate of Vigilance and Anti-corruption has submitted its final report holding that their selection was tainted with malpractices, we hold that while their appointments cannot be set aside at the present juncture, their continuation in service will depend upon the final outcome of the criminal proceedings pursuant to the final report dated 18-6-2004.

iv) The concerned 53 persons should be informed about our orders relating to them by a specific notice to be issued to them.

v) While modifying the order of the Tribunal, we hold that from amongst the applicants who are the contesting respondents both Men and Women covered by W.P.Nos.17639 to 17660 of 2001, 17822 to 17827, 17830, 17899 to 17903 and 18349 to 18356 of 2003, such of those contesting respondents who have secured the lowest cut off marks in the category, namely, OC, BC, MBC, SC and ST after the interview, should be directed to undergo medical test and after following the usual formality of police verification about their antecedents, and in the event of those contesting respondents ultimately, coming out successful, should be placed on probation and sent for police training which should be followed by their appointment and regularization as per the prescribed regulations.

vi) Such of the contesting respondents who were not called for interview, shall be called for interview and after coming out successful in the interview, if their cut off marks is more than the last cut off marks in the respective category, they shall be directed to undergo medical test and after following the usual formality of police

verification about their antecedents, and in the event of those contesting respondents ultimately, coming out successful, should be placed on probation and sent for police training which should be followed by their appointment and regularization as per the prescribed regulations.

vii) The above said direction will also hold good in respect of the applicants who have filed O.A.Nos.10211 and 10324 of 1998, 1354, 4693 and 6796 of 1999, 955, 4212, 5668, 5669, 5671, 6659 and 8616 of 2000, 2557, 6301 and 6746 of 2001, 1920, 2189, 2286, 2424, 3073, 3633, 3745, 3751, 3999, 4194, 5001, 5142, 5518, 5546, 5687, 5688, 6412, 6429, 6458 and 6459 of 2002 and 18, 19, 129, 330, 388, 389, 796, 2130 of 2003.

viii) The other Original Applications, namely, O.A.Nos. 2579, 2715, 3864, 3929, 3930, 4084 of 2003 and 26, 78, 207, 1625 and 1626 of 2004 as well as W.P.Nos.32253, 32255, 32499, 33155, 33136, 22344, 22015, 23063 and 34275 of 2004 are dismissed on the ground of delay and laches.

ix) The petitioners-State Government are directed to take steps against the concerned Officers in accordance with the Tamil Nadu Pension Rules, based on the outcome of the criminal proceedings.

x) We direct the petitioners to follow the above said directions and complete the above said exercise and issue appropriate orders as regards the final outcome within four weeks from the date of receipt of copy of this order.

The Writ Petitions as well as the Original Applications are disposed of with the above directions. No costs. Consequently, all connected W.P.M.Ps. are closed."

2.5. The applications in O.A.Nos.2715/2003, 4084/2003, 26/2004, 207/2004 and some of the review applicants in R.A.No.17/2006, 18/2006, 19/2006, 21/2006 and 22/2006 along with the writ petitioner in W.P.No.22344/2004 had filed Special Leave Petitions, challenging the above said common order dated 25.02.2005 made in W.P.Nos.17639/2001 etc. batch insofar as dismissing the case on the ground of delay and laches. The Hon'ble Supreme Court of India, vide order dated 11.12.2006, has issued notice to the official respondents only on the limited ground as to whether the High Court was justified in dismissing the Original Applications and Writ Petition on the ground of delay and laches and further ordered notice on the application for condonation of delay.

2.6. Tvl.K.Sivakumar, S.Chandran, R.Ravi and Sethuraman filed W.P.Nos.14808 to 14811 of 2005, praying for issuance of a Writ of Mandamus directing the respondents to select and appoint the petitioners as Sub-Inspector of Police in pursuance to their participation in the selection of Sub-Inspector of Police under direct recruitment quota of men for the year 1997-98. A learned Single Judge of this Court, after taking note of the above said Division Bench judgment dated 25.02.2005, which rejected the claim of some of the writ petitioners on the ground of delay and laches, found that the above said writ petitioners are also guilty of delay and laches and therefore, dismissed all the writ petitions and they made a challenge to the above said common order dated 19.12.2007 by filing W.A.Nos.680 to 683 of 2010 and the said writ appeals were also dismissed on 08.06.2010.

2.7. Pendency of Civil Appeal No.7667 of 2014 [S.L.P.(c) 21828 of 2006] etc. batch filed by Thiru.K.K.Senthil Kumar and Others, Thiru.M.Muthukumar, who suffered dismissal of writ petition in W.P.No.27969/2007, has filed I.A.Nos.3/2008, 4 & 5/2013 to intervene and the said petitions were dismissed by the Hon'ble Supreme Court, vide order dated 18.02.2014. Thiru.M.Muthukumar also filed Special Leave (c).Nos.3950 to 3915/2014 challenging the order dated 23.08.2007 made in M.P.No.1/2007 in W.P.No.27969/2007 and it was also dismissed by the Hon'ble Supreme Court of India, vide order dated 26.02.2014 with cost of Rs.25,000/- payable to Supreme Court Legal Services Committee.

2.8. Tvl.S.Ramajayam, S.Palani, V.N.Rajendran and R.Madhavan, filed W.P.Nos.26584, 26585, 26586 and 24222/2005 respectively praying for issuance of a Writ of Mandamus to direct the respondents to publish the State-wise list containing marks scored by each candidates in their respective categories and those writ petitions were dismissed on 11.03.2011 and writ appeals filed against the said orders of dismissal in W.A.Nos.1928 to 1934 of 2012 were also dismissed, vide common judgment dated 24.09.2012. Special Leave Petitions preferred by Tvl.R.Mahavan, S.Ramajeyam, S.Palani and V.N.Rajendran were also dismissed by the Hon'ble Supreme Court of India on 22.04.2013. Similarly one Mr.V.Kamaraj has also filed W.P.No.32075 of 2007 praying for selection and appointment as Sub-Inspector of Police under department quota for the year 1997-1998, which was dismissed on 19.01.2015 and the writ appeal filed in W.A.No.2091 of 2012, challenging the said order, has also ended in dismissal on 19.01.2015.

2.9. Tvl.A.Sivakumar and S.Selvam filed W.P.Nos.24766 of 2006 and 6715 of 2008 respectively praying for selection and appointment of Sub-Inspector of Police in pursuant to his participation under direct recruitment quota (Men) for the year 1997-1998 and both the writ petitions were dismissed on 06.01.2011 and 14.02.2011 respectively and they filed W.A.Nos.1399 & 1490 of 2014 and a Division Bench of this Court

has taken note of the judgment in W.A.No.2348 of 2005 dated 17.12.2014 [P.Ragu Ganesh v. The State of T.N.] has allowed the writ appeals and remanded the writ petitions for fresh disposal with further direction to tag the above said writ petitions along with W.P.Nos.27850 to 27855 of 2014.

2.10. Special Leave Petitions filed by Tvl.K.K.Senthilkumar and others, after admission, were numbered as C.A.Nos.7667/2014 etc. batch and elaborate arguments were advanced before the Hon'ble Supreme Court of India on the issue of delay and laches. The Hon'ble Supreme Court of India, after taking note of the rival submissions, has observed that the appellants have admittedly been denied the right of appointment, merely on account of having approached the High Court belatedly and having given thoughtful consideration to the issue in hand, the Hon'ble Judges were satisfied that it was the bounden duty of the State Government to implement the judgment rendered by the Administrative Tribunal (O.A.Nos.9825/1998 etc. batch) in letter and spirit and more so, after the same had attained finality and not doing so would result in some meritorious candidates being ignored, despite their higher merit, than those appointed while implementing the order of the Tribunal. It was further observed by the Hon'ble Supreme Court of India that "Had the aforesaid onus and responsibility been discharged by the State Government, there would have been no need for the appellants either to approach the High Court or this Court. The Hon'ble Supreme Court has also felt that on account of the same, 11 of the appellants, namely Tvl.A.Sethuraman, E.Ramesh Kumar, V.Jayabalan, K.Sivakumar, S.Chandran, R.Ravi, K.K.Senthil Kumar, O.Dayalan, P.Paulraj, M.Sundarapandian and K.Moovendhan, who have been appointed in terms of the judgment passed by the Administrative Tribunal, have a right of being appointed in terms of their admitted position in the merit list. The Hon'ble Supreme Court of India has also taken note of the fact that number of vacancies still remained unfulfilled and therefore, not a single person appointed by the State Government would have to be dislodged, to extend the benefit of the judgment to these 11 appellants and all of them could have been accommodated, against unfulfilled vacancies of the same recruitment process. It was also felt by the Hon'ble Supreme Court of India that in their considered view, "delay alone could not be a valid justification to deprive these meritorious candidates, the right to be appointed".

(emphasis supplied)

2.11. The Hon'ble Supreme Court also taken note of the conferment of seniority to the above said 11 appellants and heard the submissions of learned counsel appearing for them, who has fairly stated that they would have no objection if the appointment of 11 appellants were ordered to be made with immediate effect and they should be placed at the bottom of the regularly appointed Sub-Inspectors as of today and

disposed of the appeals filed by them accordingly. The Hon'ble Supreme Court of India has also considered the second set of cases comprising of seven candidates whose records have gone missing and took a decision that as a one time measure, merit of those candidates should be determined only on the basis of their marks awarded to them in the written test and viva voce by excluding the physical efficiency test marks. The Hon'ble Supreme Court of India also held that appointment of all the appellants as directed by the said judgment dated 07.08.2014 would be subject to their being declared fit after the usual medical examinations and their being declared suitable after their police verification and would then be sent for police training and be placed on probation and they would be entitled to regular appointment under the prevailing regulations. The Hon'ble Supreme Court of India has also rejected the claim of the remaining appellants, being devoid of merits.

3. This Court, upon going through the contents of the writ petitions and the above cited orders rendered by the Tribunal, Division Bench of this Court and the Hon'ble Supreme Court of India and upon hearing the submissions made by the respective learned counsel appearing for the writ petitioners and the learned Advocate General appearing for the State, is of the view that the cases in which arguments have been advanced, can be categorized as follows for the purpose of disposal:

CATEGORY I

(A) Orders passed by the Division Bench remanding for consideration based on the order passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
1	6715/2008	Sivakumar.A	MBC	Villupuram	Pending	68.3
2	24766/2006	Selvam S	MBC	Villupuram	Pending	68.2
3	23537/2005	P.Ragu Ganesh	BC	Tirunelveli	Dismissed	70.8750
4	6975/2006	G.Muthukrishnan	BC	Tirunelveli	Dismissed	65.81

(B) Cases pending on the date of the order passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
5	33753/2004	S.Balakrishnan	BC	Madurai	Nil	71.25

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
6	27505/2007	S.Latha	MBC	Villupuram	Nil	43.56

CATEGORY II

(A) Cases filed before the Principal Bench on the basis of the order passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
7	26790/2014	Kumar	BC	Villupuram	*36991/2004 4.02.2011	67.68
8	27850/2014	Devendran	BC	Chennai	*36203/2004 9.4.2011	67.81
9	27851/2014	Suresh	MBC	Chennai	25866/2004 4.2.2011	69.50
10	27852/2014	Thangapazham	MBC	Thanjavur	33535/2005 9.4.2011	64.15
11	27853/2014	Sethu	MBC	Chennai	25863/2005 9.2.2011	62.75
12	27854/2014	Rajendran.G.	BC	Villupuram	33860/2005 4.2.2011	68.50
13	27855/2014	Thangavelu	MBC	Villupuram	2057/2005 11.2.2011	70.56
14	28141/2014	Murugesan	BC	Coimbatore	33344/2005 05.10.2011	65.87
15	28142/2014	Divakar	SC	Villupuram	31742/2007 24.11.2009	59.81
16	28143/2014	Mayakrishnan	MBC	Villupuram	31741/2007 24.11.2009	67.00
17	28144/2014	Elango	BC	Chennai	30466/2005 24.11.2009	71.50
18	28213/2014	Raja S	MBC	Coimbatore	39514/2004	63.81
19	28223/2014	Raja BR	BC	Chennai	31575/2005 11.03.2011	53.93
20	30347/2014	Padmanabhan	BC	Vellore	18604/2005 23.06.2005	67.62
21	1985/2015	Balakumara swamy	BC	Dindigul	18606/2005 23.06.2005	72.43
22	27739/2014	Janarthanan	SC	Chengai	18605/2005 23.06.2005	60.75
23	27740/2014	Ramachandran	MBC	Chennai	19844/2007 11.02.2011	66.25
24	27741/2014	Swaminathan	BC	Chennai	18603/2005 23.06.2005	67.62

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
25	27743/2014	Selvaraj	SC	Chengai	19843/2007 11.02.2011	70.06
26	27744/2014	Vinojeyakumar	BC	Chengai	19845/2007 11.02.2011	74.31
27	27705/2014	Karunakaran	MBC	Vellore	36985/2004 10.03.2011	68.62
28	27706/2014	Maheshkumar	MBC	Chennai	16486/2005 11.05.2005	65.50
29	27707/2014	Srinivasan	BC	Villupuram	13932/2005 27.04.2005	70.12
30	27708/2014	Sriraman	MBC	Coimbatore	10232/2005 08.01.2010	64.93
31	27709/2014	Gunaseelan	MBC	Chennai	16482/2005 11.05.2005	64.12
32	27711/2014	Arumugam-NK	MBC	Chengai	16485/2005 11.05.2005	66.25
33	27712/2014	Lakshminarayan an	MBC	Villupuram	27054/2006 24.11.2009	70.25
34	27714/2014	Sivakumar	BC	Chennai	16484/2005 11.05.2005	69.62
35	27715/2014	Kirubananthan	BC	Chennai	16487/2005 11.05.2005	68.50
36	27716/2014	Perumal	BC	Dindigul	16483/2005 11.05.2005	67.75
37	32730/2014	Sivaraj.S.	MBC	Tirunelveli	28923/2005 04.02.2011	62.9375
38	32731/2014	Neelamegam	BC	Dindigul	2177/2005 31.01.2005	74.03
39	25146/2014	M.Muthukumar	MBC	Madurai	27969/2007 23.08.2007	61.43
40	29805/2014	T.Senthil Murugan	BC		611/2006 27.09.2007	62.31
41	31002/2014	P.Mageswaran	MBC	Chennai	25083/2006 09.04.2011	66.25
42	31003/2014	R.Anandan	MBC	Dindigul	37604/2004 09.04.2011	69.31
43	31004/2014	S.Ashok Kumar	SC	Tirunelveli	245/2006 21.04.2009	59.06
44	31005/2014	A.Jeyapalan	SC	Ramnad	282/2006 30.10.2009	53.18
45	31006/2014	K.Prabakaran	MBC	Chennai	24885/2006 09.04.2011	68.56
46	31007/2014	P.Venkatesh Gandhi Kumar	BC	Villupuram	5277/2006 07.07.2010	69.81
47	31008/2014	S.Ramachandran	SC	Chennai	5284/2006 07.07.2010	67.18

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
48	30624/2014	R.Pandian	SC	Chennai	3864/2003 25.02.2005	59.125
49	30625/2014	G.Venkatesan	MBC	Chennai	33604/2004 09.04.2011	70.68
50	12330/2012	A.Simon William Rajadurai	BC	Tirunelveli	1450/2006 11.03.2010	67.56

(B) Cases filed before the Madurai Bench of this Court on the basis of the order passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case

Sl. No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
51	16649/2014	Sugumaran	MBC	Dindigul	25942/2008 10.03.2011	66.06
52	16650/2014	Senthilkumar.N	MBC	Trichy	17761/2005 20.05.2005	63.06
53	16651/2014	Senthilnathan	MBC	Trichy	17770/2005 20.05.2005	65.62
54	16652/2014	Thirunavukarasu	BC	Tanjore	17766/2005 20.05.2005	66.56
55	16653/2014	Jeya Kumar	BC	Trichy	17768/2005 20.05.2005	69.62
56	16654/2014	Senthilkumar.R	MBC	Trichy	17763/2005 20.05.2005	67.00
57	16655/2014	Rajakumaran	MBC	Trichy	17764/2005 20.05.2005	67.81
58	16685/2014	Baskaran	MBC	Thanjavur	17765/2005 25.5.2005	70.43
59	16686/2014	Nedumaran	BC	Trichy	29336/2005 25.10.10	65.05
60	16687/2014	Rajeshkannan	BC	Thanjavur	2058/2006 11.2.2011	68.18
61	16688/2014	Velmurugan	MBC	Trichy	33857/2005 11.02.2011	65.68
62	16689/2014	Ramesh	BC	Trichy	25862/2005 4.2.2011	67.81
63	16690/2014	*Shankar R	BC	Trichy	17762/2005 25.05.2005	69.75
64	16691/2014	Muthukumar	BC	Trichy	17767/2005 25.05.2005	69.25
65	16692/2014	Shanmugarajan	BC	Ramnad	30775/2005 22.09.2005	62.56
66	16693/2014	Balasubramanian	SC	Trichy	33536/2005 09.04.2011	65.50

Sl. No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
67	16694/2014	Karunakaran	MBC	Trichy	34095/1995 11.02.2011	62.31
68	16732/2014	Manickam	BC	Madurai	11594/2006 4.2.2011	73.43
69	16733/2014	Lathakumari	OC	Tirunelveli	21307/2007 20.12.2007	51.12
70	16734/2014	Jaykannan	BC	Madurai	11595/*2006 4.2.2011	75.43
71	16735/2014	Jaya Gajendran	MBC	Madurai	11593/*2006 4.2.2011	73.56
72	16736/2014	*Paramasivam	SC	Madurai	*11592/2006 4.2.2011	67.75
73	16737/2014	Murugesan	MBC	Dindigul	*11590/2006 4.2.2011	70.81
74	16738/2014	Raja	BC	Madurai	*11591/2006 4.2.2011	71.25
75	16739/2014	*Somsundaram	BC	Madurai	*33136/2004 25.02.2005	75.93
76	16740/2014	*Mahendran	MBC	Madurai	*33135/2004 25.02.2005	73.81
77	16741/2014	*Anthony Manuel	BC	Tirunelveli	*11589/2006 04.02.2011	65.68
78	16656/2014	Alliarasan	MBC	Tirunelveli	25867/2005 04.02.2011	65.25
79	16659/2014	Murugan	MBC	Tirunelveli	34093/2005 11.02.2011	64.37
80	16660/2014	Raja Robert	BC	Tirunelveli	25869/2005 04.02.2011	65.50
81	16661/2014	Ebenezar	BC	Tirunelveli	34094/2005 11.02.2011	66.81
82	16662/2014	Shanmugasundaram	MBC	Tirunelveli	25868/2005 04.02.2011	61.62
83	16663/2014	Thanaseelam	MBC	Tirunelveli	34092/2005 11.02.2011	59.37
84	16664/2014	Janahan	BC	Tirunelveli	27053/2006 24.11.2009	70.50
85	16665/2014	Kavurajan	BC	Tirunelveli	28924/2005 04.02.2011	71.62
86	16666/2014	Ponraja	BC	Tirunelveli	25865/2005 04.02.2011	68.43
87	16667/2014	Sooriyan	OC	Tirunelveli	8545/2006 06.09.2010	74.00
88	16668/2014	Selvanayagam	MBC	Tirunelveli	28922/2005 04.02.2011	68.43
89	16669/2014	Arumugam	MBC	Tirunelveli	25861/2005 04.02.2011	62.37

Sl. No	W.P.No.	Name of the Candidate	Community	Range	Earlier WP & Dismissed on	Total Marks
90	20418/2014	M.Selvam	MBC	Madurai	10625/2005 15.07.2010	52.25

CATEGORY III

(A) Fresh case filed before the Principal Bench based on the above cited order passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Total Marks
91	30193/2014	Ganeshkumar	SC	Thanjavur	61.75
92	30194/2014	Chandrasekaran	MBC	Thanjavur	70.9375
93	1984/2015	Gandhiraj	BC	Trichy	72.43
94	4735/2015	Pappakili	BC	Tirunelveli	44.37
95	8305/2015	Pelavendan	SC	Ramnad	72.81
96	10996/2015	Vasanthakumar	MBC	Dindigul	64.81
97	13635/2015	Azhagurajan	SC	Madurai	65.00
98	27738/2015	Arumugam.J.	BC	Vellore	69.87
99	27742/2014	Ramesh	MBC	Chengai	73.75
100	4303/2015	Pothiraj	SC	Dindigul	57.50
101	4304/2015	Thirupathi	SC	Dindigul	59.87
102	4305/2015	Veluchamy	SC	Villupuram	63.93
103	28236/2015	Rani	SC	Dindigul	42.81
104	27710/2014	Arulmanimaran	SC	Vellore	64.06
105	27713/2014	Anbalagan	SC	Tanjore	63.50
106	6976/2015	Sundaram	MBC	Tirunelveli	78.8750
107	9454/2015	Velmurugan	BC	Tirunelveli	68.62
108	9455/2015	Kannan	BC	Dindigul	65.43
109	13698/2015	Saravanan	BC	Dindigul	69.81
110	13699/2015	Karikalan	MBC	Dindigul	70.00
111	26325/2015	R.Ramar	MBC	Chennai	56.18
112	29368/2014	K.Senthamarai Kannan	MBC	Trichy	65.00
113	29369/2014	S.Malarvan	MBC	Trichy	55.00
114	22639/2015	V.A.Jothi Basu	BC	Dindigul	74.25
115	10723/2015	M.Sakthivelmurugan	MBC	Ramnad	53.81
116	11863/2015	S.Malarvizhi	BC	Vellore	55.56
117	11865/2015	K.Sivalingam	MBC	Vellore	69.93
118	20434/2015	B.Pavalavannan	BC	Chennai	61.18
119	20435/2015	A.Kumar	BC	Chennai	59.00
120	20436/2015	S.Elumalai	BC	Villupuram	56.06

(B) Fresh cases filed before the Madurai Bench of this Court based on the above cited order passed by
<https://hcservices.ecourts.gov.in/hcservices/>

the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case

Sl.No	W.P.No.	Name of the Candidate	Community	Range	Total Marks
121	16674/2014	Sivalingam	BC	Coimbatore	61.87
122	16675/2014	Premanand	BC	Madurai	76.18
123	16676/2014	Venkatesan	BC	Dindigul	70.25
124	16677/2014	Raja	BC	Madurai	75.12
125	16678/2014	Sampathkumar	BC	Trichy	67.31
126	16679/2014	Nagalingam N	BC	Madurai	74.00
127	16680/2014	Srinivasan P	BC	Coimbatore	66.93
128	16657/2014	Mamood	SC	Tirunelveli	58.18
129	16658/2014	Santhavalli	OC	Tirunelveli	60.06
130	17781/2014	Sivaraj-B	BC	Villupuram	71.12
131	17782/2014	Soundiraraj	BC	Trichy	71.18
132	19594/2014	Maharaja	SC	Madurai	67.62
133	19595/2014	Tamilselvan	SC	Dindigul	60.50

4. Mr.K.Venkataramani, learned Senior Counsel assisted by Mr.R.Muthappan, Mr.T.Ayngaraprabhu and M/s.Sudha Ravi associates, respective learned counsel appearing for the petitioners in W.P.Nos.24766/2006, 6715/2008, 26790/2014, 27850 to 27855/2014, 28141 to 28144/2014, 28213/2014, 25146/2014, 30347/2014, 28223/2014, 4735/2015, 8305/2015, 10996/2015, 13635/2015, 30193/2014, 30194/2014, 22639/2015, 27505/2007, W.P(MD).Nos.16674 to 16680, 16685 to 16694, 16732 to 16741 of 2014 and W.P.No.33753 of 2004 and would submit that though in respect of second batch of cases, the writ petitions filed by them came to be dismissed, their right to pursue their remedy had arose on account of the common judgment dated 07.08.2014 made in C.A.Nos.7667/2014 etc. batch filed by Thiru.K.K.Senthil Kumar and Others, wherein the Hon'ble Supreme Court of India had given a finding that but for the zone-wise selection resorted to by the State Government, meritorious candidates could have got appointed and merely on account of them belatedly approaching the High Court cannot be a ground to reject their case and therefore, the second category of petitioners, who are similarly placed like that of Thiru.K.K.Senthil Kumar, ought to have been given appointment as Sub-Inspector of Police. It is the further submission of the learned Senior Counsel appearing for the petitioners that Principle of Constructive Res Judicata cannot be put against them for the reason that the writ petitions filed by some of them came to be dismissed on the basis of the common judgment rendered by the Division Bench of this Court dated 25.02.2005 in W.P.Nos.17639/2001 etc. batch and a portion of the order passed by the Division Bench, rejecting the claim of some of them on the ground of delay and laches, has been set aside by the Hon'ble Supreme Court of India in

K.K.Senthil Kumar's case and the subsequent orders passed by this Court rejecting the claim of the petitioners primarily on the ground of delay and laches cannot be put against them and it would not act as res judicata for the reason that the decisions were not rendered on merits but solely on the ground of delay and laches and therefore, nothing precluded or prevented the petitioners from approaching this Court once again by filing fresh writ petitions.

5. It is further contended by the learned Senior Counsel appearing for the petitioners that as against the dismissal of the writ petitions/writ appeals by this Court on the ground of delay and laches, some of them had approached the Hon'ble Supreme Court of India by filing Special Leave Petitions and though the said petitions were dismissed, by virtue of the orders passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case, fresh cause of action arose so as to enable them to work out their remedy by filing fresh writ petitions and their genuine and legal claim cannot be rejected on the above said technical grounds. It is also contended by the learned Senior Counsel appearing for the petitioners that since the Special Leave Petitions preferred by some of them were rejected in limine and not on merits, the Doctrine of Merger would not be applicable to the said orders and it is still open to them to pursue their legal remedy by filing writ petitions and they have not done so. The learned Senior Counsel appearing for the petitioners has invited the attention of this Court to the above cited common order passed by the Tribunal, Division Bench and the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case and would contend that a categorical finding has been recorded that zone-wise selection resorted to by the official respondents was bad and illegal and on account of the same, less meritorious candidates who secured lower marks than the petitioners, got selected and appointed and in all fairness, their selection and appointment was also not set aside and taking note of the submissions made, the Hon'ble Supreme Court of India has directed them to place the appellants below the selectees in the year only and the same methodology can be adopted for these petitioners also and for the reason that still there are very many vacancies for the post of Sub-Inspector of Police on account of retirement and otherwise and they are also prepared to take their place below the Sub-Inspectors of Police who got recruited very recently.

6. Insofar as the petitioners who had approached the Court for the first time, it is the submission of the learned Senior Counsel appearing for the petitioners that the plea of delay and laches cannot be put against them for the reason that cause of action for them to approach the Court arose pursuant to the common judgment dated 07.08.2014 passed by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case and they have also secured more marks than the candidates who got recruited as Sub-Inspectors of Police on account of zone-wise

selection. It is also contended by the learned Senior Counsel appearing for the petitioners that in respect of Categories I(A) and I(B), all the four writ petitions were filed between the years 2004 and 2008 and the benefit of the judgment in K.K.Senthil Kumar's case may be extended to them also and prays for allowing of the writ petitions with consequential directions. The learned Senior Counsel appearing for the petitioners, in support of his submissions, placed reliance upon the following decisions/judgments:

- (1) Inder Pal Yadav and Others v. Union of India and Others [(1985) 2 SCC 648]
- (2) K.C.Sharma and Others v. Union of India and Others [(1997) 6 SCC 721]
- (3) Kunhayammed and Others v. State of Kerala and Others [(2000) 6 SCC 359]
- (4) State of Karnataka and Others v. N.Parameshwarappa and Others [(2003) 12 SCC 192]
- (5) State of Karnataka and Others v. C.Lalitha [(2006) 2 SCC 747]
- (6) T.Sekaran v. The State of Tamil Nadu and Others [Order dated 09.02.2010 made in W.P.(MD).No.4412 of 2008]
- (7) M.Anandan and Others v. The Secretary, Government of Tamil Nadu [Order dated 12.10.2011 in W.P.Nos.9586 and 10082 of 2011]
- (8) G.Easwaran v. The Government of Tamil Nadu [2015 (1) CWC 337]

7. Mr.S.T.Varadharajulu, learned counsel appearing for the petitioner in W.P.No.12330 of 2012 would submit that the petitioner is an in-service candidate and he belongs to Backward Class community and he secured 67.56 marks which is more than the marks secured by Backward Class candidate at Ramnad District and on earlier occasion, he filed W.P.No.1450 of 2006 praying for issuance of a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 26.02.1999 and the said writ petition was disposed of on 11.03.2010 with a direction to the respondents to dispose of his representation and in pursuant to the orders passed by this Court, physical test was also conducted and thereafter, TNUSRB, vide communication dated 23.12.2013, has informed that the petitioner has secured 67.56 marks and he was not selected for the reason that the cut off mark for Tirunelveli Range Backward Class community is 71.68 marks. The learned counsel appearing for the petitioner has invited the attention of this Court to the above said communication and would submit that in respect of Ramnad District range, a

candidate belonging to Backward Class community, who obtained less than 63.56 marks got selected and by virtue of the orders passed by the Tribunal, Division Bench of this Court as well as by the Hon'ble Supreme Court of India, he is entitled to be appointed as Sub-Inspector of Police and prays for appropriate orders.

8. Mr.Edwin Prabhakar, learned counsel appearing for the petitioners in W.P.Nos.30624 and 30625 of 2014 and would submit that the petitioner in W.P.No.30624 of 2014 belongs to Scheduled Caste community and presently serving as Head Constable and he participated under 80% quota for direct recruitment in Chennai Range and secured 59.12 marks and in respect of the said range cut off mark for Scheduled Caste community is 67.18 marks and consequently he was not selected, however in Ramnad District, the cut off mark for Scheduled Caste community is only 58 and in the light of the judgment rendered by the Division Bench as well as the Hon'ble Supreme Court of India, the petitioner is entitled to be selected. Insofar as W.P.No.30625 of 2014 is concerned, it is the submission of the learned counsel appearing for the petitioner that he belongs to Most Backward Class Community and presently serving as Head Constable and he participated in the direct recruitment under 80% quota in Chennai range and secured 70 marks and since the cut off mark prescribed for Chennai range for Most Backward Class community is 75 marks, he was not selected, however the cut off mark for Most Backward Class community in Ramnad District is 58 and since he has secured more marks, he is entitled to be selected and appointed. It is the further submission of the learned counsel appearing for the petitioners that though the petitioners did not approach the Tribunal or this Court at the earliest point of time, the fact remains that the cause of action enure to them on account of the common judgment dated 07.08.2014 made in C.A.No.7667 of 2014 etc. batch [K.K.Senthil Kumar's case] and hence, they cannot be denied the relief on the hyper-technical ground of delay and laches and prays for appropriate orders. The learned counsel appearing for the petitioners, in support of his submissions, placed reliance upon the following decisions:

- (i) Daryao and Others v. State of U.P. And Others [AIR 1961 SC 1457(1)]
- (ii) Pujari Bai v. Madan Gopal [CDJ 1989 SC 237]
- (ii) Supreme Court Employees Welfare Association v. Union of India and Others [AIR 1990 SC 334(1)]

9. Mr.K.M.Vijayan, learned Senior Counsel assisted by Mr.G.Ilamurugu and Mr.J.Karthick, learned counsel appearing for the petitioners in W.P.Nos.27738 to 27744/2014, 4303 to 4305/2014, 28236/2015 and W.P.(MD).No.16649 to 16655 of 2014 would submit that the Hon'ble Supreme Court of India has made a stinging observation in K.K.Senthil Kumar's case about the bounden duty of the State Government to implement the judgment

of the Administrative Tribunal in letter and spirit and since it has not been done, the claim of some meritorious candidates have been ignored, despite their higher merit and since the petitioners had secured higher marks than the corresponding category of candidates in other ranges, they are yet to be selected and appointed.

10. Mr.K.S.Viswanathan, learned counsel appearing for the petitioners in W.P.Nos.27705 to 27716/2014, 9454/15, 9455/2015, 6975/2006, 13698/2015, 13699/2015, 6976/2015, 32730/2014, 32731/2014, W.P.(MD).Nos.16656 to 16669, 17781, 17782, 19594 and 19595/2014 would submit that though the petitioners having approached the Court belatedly, their claim cannot be rejected on the threshold for the reason that vested right has been accrued to them by virtue of the judgment rendered by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case and the said judgment is a judgment in rem and as such, the benefit of the same should be extended to the petitioners also. It is the further submission of the learned counsel appearing for the petitioners that the petitioner in W.P.No.6976/2015 is now working as Head Constable and though allegations have been made in the counter affidavit that he had produced bogus certificates, with regard to the said allegation he was not put on notice and as on today, he continues to work in that capacity and therefore, the said allegation cannot be put against them and admittedly, he has secured more marks than the candidates who have got selected at zone-wise selection at other ranges and therefore, he is entitled to be selected and appointed as Sub-Inspector of Police.

11. Mr.L.Chandrakumar, learned counsel appearing for the petitioners in W.P.Nos.1984 and 1985 of 2015 has made similar submissions as that of Mr.Edwin Prabhakar, Mr.K.M.Vijayan and Mr.K.S.Viswanathan, learned counsel/senior counsel appearing for the petitioners and would submit that the petitioners belong to Backward Class community and appeared for direct recruitment under 80% quota under open market and they secured 70.93 and 72.43 marks respectively by participating in Trichy range and though he has secured more marks than that of same category of candidates in Ramnad District, he was not selected and by virtue of the judgment rendered by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case, in all fairness, he should have been given appointment and prays for appropriate orders.

12. Mr.Balan Haridass, learned counsel appearing for the petitioner in W.P.No.25146 of 2014 would submit that the petitioner joined the service as Grade II Police Constable on 31.10.1997 and he participated in the selection process and secured 61.4375 marks in Madurai range and aggrieved by his non-selection, has filed W.P.No.27969/2007, which came to be dismissed on 23.08.2007 on the ground of delay and laches and he did not file any appeal and he also filed intervention

petition in I.A.No.3/2008, which came to be dismissed on 18.02.2014 and also directly filed Special Leave Petition against the order passed in W.P.No.27969/2007, which was also dismissed by the Hon'ble Supreme Court of India with costs and despite that he is entitled to have the benefit of the common judgment in K.K.Senthil Kumar's case and the dismissal of the interlocutory applications by the Hon'ble Supreme Court will not operate as res judicata for the reason that merits of the case has not been gone into and therefore, the Doctrine of Merger cannot be applicable. The learned counsel appearing for the petitioner has also relied upon the judgment dated 30.03.2011 in W.P.(MD).No.10466 of 2005 [S.Mariappan v. State of Tamil Nadu and Others].

13. M/s.G.Bala and Daisy, learned counsel appearing for the petitioners in W.P.Nos.20434 to 20436 of 2015 and would submit that the petitioner in W.P.No.20434/2015 participated in the Chennai range and secured 61.18 marks and the petitioner in W.P.No.20435/2015 participated in Chennai range and got 59 marks and the petitioner in W.P.No.20436/2015 participated at Villupuram range and secured 56.06 marks and admittedly the marks secured by them are more than the marks secured by successful candidates in other ranges and by virtue of the judgment rendered by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case, their claim for appointment to the post of Sub Inspector of Police cannot be rejected solely on the ground of delay and laches and prays for appropriate orders.

14. Per contra, Mr.A.L.Somayaji, learned Advocate General assisted by Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents has invited the attention of this Court to the counter affidavit filed on behalf of the official respondents and would contend that most of the petitioners had approached this Court on earlier occasions and got their cases dismissed and admittedly, they did not make further challenge to the said orders and hence, it has become final between the parties and therefore, it operate as res judicata and also for the reason that judgments are inter-party judgments. Insofar as the petitioners who had approached this Court for the first time, it is the submission of the learned Advocate General that those petitioners are guilty of delay and laches and so far they have waited on the side lines and now jumping into the fray by taking advantage of the judgment of the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case and on account of deliberate inaction, delay and laches, they cannot claim any right or claim for their selection and appointment as Sub Inspector of Police. So far as the petitioner in W.P.No.25146 of 2014 is concerned, it is the submission of the learned Advocate General that admittedly he filed three applications for intervention, which were dismissed and also filed Special Leave to Appeal (Civil) Nos.3950-3951 of 2014, which came to be dismissed on 26.02.2014 with cost of Rs.25,000/- and his

claim is barred by the Principle of Res Judicata and therefore, he is not entitled to approach this Court once again on account of subsequent development. It is also the submission of the learned Advocate General that if the claims of all the writ petitioners are entertained, it will definitely open flood gates and may also lead to bad precedent and therefore, prays for dismissal of these writ petitions. The learned Advocate General, in support of his submissions, placed reliance upon the following decisions:

(i) Ex.Major Subhash Juneja v. Union of India [1996 (37) DRJ 253]

(ii) Kalinga Mining Corporation v. Union of India and Others [(2013) 5 SCC 252]

15. This Court paid it's anxious consideration and best attention to the rival submissions and also perused the materials placed before it as well as the decisions relied on by the respective learned counsel appearing for the parties.

16. The following questions/issues arise for consideration and adjudication:

(I) Whether the claim of some of the petitioners are hit by the Principle of Constructive Res Judicata/Res Judicata?

(II) Whether the claim of the petitioners are hit by delay and laches?

(III) Whether the dismissal of Special Leave Petitions in limine and also on the ground of delay and laches, would amount to merger?

(IV) To what relief the petitioners are entitled?

17. This Court earlier reserved judgment on 24.11.2015 and on going through the entire case papers, was of the view that some clarification required as to the category in respect of some of the petitioners and therefore, listed the case for further hearing on 06.01.2016 and after hearing the submission made by the respective learned counsel appearing for the parties, reserved orders on that day.

Issue No. I

18. A perusal of the judgment rendered by the Delhi High Court in Ex.Major Subhash Juneja v. Union of India [1996 (37) DRJ 253] would disclose that the petitioner therein challenging the order of his termination, filed writ petition and it was dismissed and aggrieved by the dismissal of the earlier writ petition, preferred a Special Leave Petition before the Hon'ble Supreme Court of India and it was dismissed and the petitioner once again filed a writ petition challenging the impugned order of termination on the ground of

fresh cause of action in view of the Full Bench decision of the Delhi High Court and upheld by the Hon'ble Supreme Court of India. The Delhi High Court has considered the said issued and observed as follows:

"14. It is settled law that a judgment inter parte of the competent court in a previous writ petition would operate as res judicata in a subsequent writ petition between the same parties where the issues directly involved in the two proceedings are the same, irrespective of the fact whether or not the decision in the earlier writ petition was founded on a view contrary to the one, subsequently expressed in a different case. Correctness or otherwise of the earlier decision is wholly irrelevant where the conditions for the application of the Rule of res judicata are satisfied in the latter case. It is well settled that the matter in issue, if it is one purely of fact, decided in the earlier proceeding by the competent court, must in a subsequent litigation between the same parties be regarded as finally decided and cannot be reopened. A mixed question of law and fact determined in the earlier proceeding between the same parties, for the same reason cannot be questioned in a subsequent proceeding between the same parties and also even if the decision is on a question of law, the same principle would apply except in cases where the question raised is a question of law and relates to the jurisdiction of the Court or the lack of it or the law has been subsequently changed.

15. The various decisions relied upon by the counsel for the parties clearly lay down that only when there is a change of cause of action or when the question of law relates to the jurisdiction of the court or the lack of it or the law has come to be obliterated from the statute or the law has been changed by the Legislature, in such cases the principles of constructive res judicata would not be applicable and that a fresh writ petition shall be maintainable. In the light of the aforesaid settled law, we have to examine whether in the present case there has been such a change in the cause of action or that there has been a change of law in respect of the jurisdiction of the court or that there is a change of law obliterating the provisions from the statute either through pronouncement of the court or through a legislation. (emphasis supplied)

.....

17. The decisions of the Supreme Court in

Mathura Prasad Sarjoo Jaiswal & Ors. Vs. Dossibai N.B. Jeejeebhoy [AIR 1971 SC 2355] and also in Nand Kishore Vs. State of Punjab [J.T. 1995(7) S.C.69], heavily relied upon by the learned counsel for the petitioners appear to be distinguishable on facts. In Mathura Prasad Sarjoo Jaiswal & Ors. Vs. Dossibai N.B. Jeejeebhoy (supra), the Supreme Court declared the law on the point as follows:

"A question relating to the jurisdiction of a Court cannot be deemed to have been finally determined by an erroneous decision of the Court. If by an erroneous interpretation of the statute the Court holds that it has no jurisdiction, the question would not, in our judgment, operate as res judicata. Similarly by an erroneous decision if the Court assumes jurisdiction which it does not possess under the statute the question cannot operate as res judicata between the same parties, whether the cause of action in the subsequent litigation is the same or otherwise.

IT is true that in determining the application of the rule of res judicata the Court is not concerned with the correctness or otherwise of the earlier judgment. The matter in issue, if it is one purely of fact, decided in the earlier proceeding by a competent court must in a subsequent litigation between the same parties be regarded as finally decided and cannot be reopened. A mixed question of law and fact determined, in the earlier proceeding between the same parties may, for the same reason, be questioned in a subsequent proceeding between the parties. But, where the decision is on a question of law, i.e. the interpretation of a statute, it will be res judicata in a subsequent proceeding between the same parties where the cause of action is the same, for the expression "the matter in issue" in S.11, Code of Civil Procedure, means the right litigated between the parties, claimed or denied and the law applicable to the determination of that issue. Where, however, the question is one purely of law and it relates to the jurisdiction of the Court sanctioning something which is illegal, by resort to the rule of res judicata a party affected by the decision will not be precluded from challenging the validity of the order under the rule of

res judicata, for a rule of procedure cannot supersede the law of the land."

An analysis of the facts of the case would disclose that the petitioner has earlier made a challenge by filing a writ petition challenging the order of termination, which came to be dismissed on merits and Special Leave Petition preferred against the said order also came to be dismissed and in the light of subsequent development in the form of Full Bench judgment, which was also upheld by the Hon'ble Supreme Court of India, the petitioner has filed a writ petition praying for the very same relief. The Delhi High Court, on a consideration and appreciation of factual aspects and legal position, has held that in the light of finality reached in the earlier round of litigation, the issues cannot be reopened and hence, dismissed the writ petition.

19. In Kalinga Mining Corporation v. Union of India and Others [(2013) 5 SCC 252] mining lease application submitted by the appellant therein was rejected and it was put to challenge by filing writ petition which was dismissed and thereafter, recommendation was made by the State Government for grant of mining lease in favour of the tenth respondent and it was also granted and once again challenge was made by filing revisions and the revision filed by Dr.Pradhan was rejected and the revision filed by the appellant was allowed and it was challenged by Dr.Pradhan by filing writ petition before the High Court of Orissa, which was allowed and the petitioner made an application for intervention and it was considered individually. In the interregnum, Dr.Pradhan died and his legal heirs came on record and the mining lease was granted in favour of the legal heirs of Dr.Pradhan and it was challenged by the appellant, namely M/s.Kalinga Mining Corporation by filing writ petition and it was allowed and remanded, however it was held that on the demise of the original applicant, namely Dr.Pradhan, application for mining lease does not abate and the said issue being a pure question of law, cannot be reopened. The said issue was put to challenge by filing Special Leave Petition, which was dismissed in limine and thereafter, the Central Government approved the recommendation of the State Government for grant of mining lease in favour of the legal heirs of Dr.Pradhan and once again challenge was made by the appellant by filing fresh writ petition and pendency of the application, certain developments took place wherein the Hon'ble Supreme Court of India in Saligram Khirwal v. Union of India [(2003) 7 SCC 689] held that legal representatives cannot pursue the application for grant of mining lease, the Court granted liberty to the applicant to file fresh application. The preliminary objection raised by the legal representatives of the deceased Dr.Pradhan was rejected and it was put to challenge before the Hon'ble Supreme Court of India, which entertained the S.L.P and came to be numbered as C.A.No.1013 and 1014 of 2013. The Hon'ble Supreme Court of India has formulated the following questions for discussion:

"23.2. Whether the dismissal of the SLP on 24-8-2001 [Kalinga Mining Corpn v. Union of India, SLP(C) No.13556 of 2001], filed by the appellant against the judgment of the High Court dated 2-7-2001 in Kalinga Mining Corpn. v. Union of India [AIR 2002 Ori 83] would attract the principle of res judicata, so as to disentitle the appellant from urging the invalidity of the application of the legal heirs in place of the deceased Dr. Pradhan, in the pending proceedings in OJC No.3662 of 2002, the judgment which is the subject-matter of the present appeal?"

It is also relevant to extract paras 44 and 45 of the said judgment:

"44. Even though, strictly speaking, res judicata may not be applicable to the proceedings before the Central Government, the High Court in exercise of its power under Article 226 was certainly entitled to take into consideration the previous history of the litigation inter partes to decline the relief to the appellant. Merely because the High Court has used the expression that the claim of the appellant is barred by res judicata would not necessarily result in nullifying the conclusion which in fact is based on considerations of equity and justice. Given the history of litigation between the parties, which commenced in 1950s, the High Court was justified in finally giving a quietus to the same. The subsequent interpretation of Rule 25-A by this Court, that it would have only prospective operation, in Saligram case [(2003) 7 SCC 689], would not have the effect of reopening the matter which was concluded between the parties. In our opinion, if the parties are allowed to re-agitate issues which have been decided by a court of competent jurisdiction on a subsequent change in the law then all earlier litigation relevant thereto would always remain in a state of flux. In such circumstances, every time either a statute or a provision thereof is declared ultra vires, it would have the result of reopening of the decided matters within the period of limitation following the date of such decision. In this case not only the High Court had rejected the objection of the appellant to the substitution of the legal heirs of Dr. Sarojini Pradhan in her place but the SLP from the said judgment has also been dismissed. Even though, strictly speaking, the dismissal of the SLP would not result in the merger of the judgment of the High Court in the order of this Court, the same cannot be said to be wholly irrelevant. The High Court, in our opinion,

committed no error in taking the same into consideration in the peculiar facts of this case. Ultimately, the decision of the High Court was clearly based on the facts and circumstances of this case. The High Court clearly came to the conclusion that the appellant had accepted the locus standi of the LRs of Dr Sarojini Pradhan to pursue the application for the mining lease before the Central Government, as well as in the High Court.

45. In view of the conclusions recorded by us above, it is not necessary to express an opinion on the interpretation of Rule 25-A of the Mineral Concession Rules, 1960. In any event, the judgment in Saligram case has concluded that the Rule would have only prospective operation. The legal position having been so stated, it is not necessary for us to dilate upon the same."

20. It is also relevant to quote the judgment of the Hon'ble Supreme Court of India in Workmen v. Board of Trustees of Cochin Port Trust [(1978) 3 SCC 119] as under:

"..But the technical rule of res judicata, although a wholesome rule based upon public policy, cannot be stretched too far to bar the identical issues in a separate proceeding merely on an uncertain assumption that the issues must have been decided. It is not safe to extend the principle of res judicata to such an extent so as to found it on mere guesswork. To illustrate our viewpoint, we may take an example. Suppose a writ petition is filed in a High Court for grant of a writ of certiorari to challenge some order or decision on several grounds. If the writ petition is dismissed after contest by a speaking order obviously it will operate as res judicata in any other proceeding. Such as, of suit, Article 32 or Article 136 directed from the same order or decision. If the writ petition is dismissed by a speaking order either at the threshold or after contest, say, only on the ground of laches or the availability of an alternative remedy, then another remedy open in law either by way of suit or any other proceeding obviously will not be barred on the principle of res judicata."

21. In Supreme Court Employees' Welfare Assn. v. Union of India [AIR 1990 SC 334(1)], the scope of Section 11 of the Civil Procedure Code came up for consideration with regard to fixation of pay scale of Supreme Court employees and it is relevant to extract para 28 of the said judgment:

"28. The doctrine of res judicata is a universal doctrine laying down the finality of litigation between the parties. When a particular

decision has become final and binding between the parties, it cannot be set at naught on the ground that such a decision is violative of Article 14 of the Constitution. So far as the parties are concerned, they will always be bound by the said decision. In other words, either of the parties will not be permitted to reopen the issue decided by such decision on the ground that such decision violates the equality clause under the Constitution. There is no question of overruling the provision of Article 14, as contended by the learned Attorney General. The judgment which is binding between the parties and which operates as res judicata between them, cannot be said to overrule the provision of Article 14 of the Constitution even though it may be, to some extent, violative of Article 14 of the Constitution. So far as the Supreme Court employees are concerned in these proceedings the only enquiry to be made is whether the judgments of the Delhi High Court relating to the LDCs and the Class IV employees have become final and conclusive between the employees of the Delhi High Court and the Union of India."

22. The petitioner in W.P.No.25146 of 2014, namely Thiru.M.Muthukumar, on an earlier occasion approached this Court by filing W.P.No.27969 of 2007 praying for a Writ of Mandamus directing the respondents 1 and 2, namely Director General of Police and Chairman, TNUSRB, to select the petitioner as Sub-Inspector of Police for the year 1997-1998 with consequential monetary and service benefits and it was dismissed on the ground of delay and laches on 23.08.2007. The petitioner, having come to know about the filing of Special Leave Petitions by Thiru.K.K.Senthil Kumar and Others, filed I.A.No.3/2008 which came to be dismissed along with I.A.Nos.4 and 5 of 2013 filed by other applicants, vide order dated 18.02.2014. The petitioner, aggrieved by the dismissal of the writ petition in W.P.No.27969/2007, has also filed S.L.P.(C).Nos.3950-3951 of 2014, which was also dismissed on 26.02.2014 with cost of Rs.25,000/- and in the order it was observed that Special Leave Petitions came to be filed just about seven years from the dismissal of the writ petition with a delay of 2287 days and the factual position discloses a clear misuse of the jurisdiction of this Court and having taken note of the absolute brash attitude at the hands of the petitioner/appellant, the said cost was levied.

23. The crux of the above cited decisions especially the judgment of the Hon'ble Supreme Court of India in Workmen v. Board of Trustees of Cochin Port Trust [(1978) 3 SCC 119] would read that if the writ petition is dismissed after contest by a speaking order obviously it will operate as res judicata in any other proceeding such as, of Suit, Article 32

or Article 136 directed from the same order or decision and if the writ petition is dismissed by a speaking order either at the threshold or after contest, say, only on the ground of laches or the availability of an alternative remedy, then another remedy open in law either by way of suit or any other proceeding obviously will not be barred on the principle of res judicata.

24. The petitioner in W.P.No.25146 of 2014, namely Thiru.M.Muthukumar had approached this Court by filing W.P.No.27969 of 2007 and it was dismissed on the ground of delay and laches on 23.08.2007 and he did not file any Writ Appeal and in the interregnum, came to know about the entertainment of S.L.P.(c).No.21828 of 2006 filed by Thiru.K.K.Senthil Kumar and Others [C.A.No.7667 of 2014 etc. batch] and filed I.A.No.3/2008 for intervention and also filed I.A.Nos.4 and 5/2013 in the said S.L.Ps. and all the three applications were dismissed on the ground that there is no rule of law, whereunder the applicants can be impleaded as petitioners in a pending Special Leave Petition before this Court. Thiru.M.Muthukumar also filed Special Leave (CC) Nos.3950-3951 of 2014, challenging the dismissal of the writ petition in W.P.No.27969/2007 and it was also dismissed on 26.02.2014 by the Hon'ble Supreme Court of India on the ground that the said S.L.P. came to be filed seven years from from the dismissal of the writ petition with a delay of 2287 days and also observed that factual position discloses a clear misuser of the jurisdiction of this Court and dismissed the same with a cost of Rs.25,000/-. However, by subsequent common judgment dated 07.08.2014 in C.A.Nos.7667 of 2014 etc. batch [K.K.Senthil Kumar's case] the Hon'ble Supreme Court, having castigated the act of the State Government in resorting to zone-wise selection, also given a finding/observation that merely on account of having approached the High Court belatedly cannot be a ground to deny the right for the reason that it would result in some meritorious candidates being ignored, despite their higher merit, than those appointed while implementing the order of the Administrative Tribunal.

25. The cut off mark obtained by the petitioner in W.P.No.25146/2014, namely Thiru.M.Muthukumar, is very much higher than those candidates who had got selected on account of zone-wise selection and the petitioner belongs to Most Backward Class community and has secured 61.4375 marks in the physical efficiency test and the written examination even before attending viva-voce examination. As per the counter affidavit of the third respondent/TNUSRB, the cut off mark for Madurai Zone was 65.25 and hence, he was not called for viva-voce. As rightly pointed out by the learned counsel appearing for the petitioners, on account of zone-wise selection, candidates who secured lesser marks in the written test were called for the interview and got selected and admittedly, the petitioner has secured more marks than the selected candidates even prior to oral interview. The only point put against the

petitioner is that since his earlier attempts to get intervention and the challenge made to the order of dismissal passed by the writ petition, came to be rejected at the hands of the Hon'ble Supreme Court of India, is estopped from making a fresh challenge and it is also hit by the Principle of Res Judicata.

26. In *Workmen v. Board of Trustees of Cochin Port Trust* [(1978) 3 SCC 119], it has been held that if the writ petition is dismissed after contest by a speaking order obviously it will operate as res judicata in any other proceeding, such as, of suit, Article 32 or Article 136 directed from the same order or decision and if the writ petition is dismissed by a speaking order either at the threshold or after contest, say, only on the ground of laches or the availability of an alternative remedy, then another remedy open in law either by way of suit or any other proceeding obviously will not be barred on the principle of res judicata. Therefore, the petitioner is entitled to succeed.

27. Therefore, Issue No.1 is answered in affirmative in favour of the concerned petitioners.

Issue No. II

28. It is relevant and useful to refer to the following judgments:

28.1. In *P.S.Sadasivaswamy v. State of Tamil Nadu* [AIR 1974 SC 2271 = (1975) 1 SCC 152] relating to promotion, the Apex Court held as follows:

"..... A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioners petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellants petition as well as the appeal."

28.2. In State of M.P. v. Nandlal Jaismal [1986 (4) SCC 566], the Supreme Court, at Paragraph 24, held as follows:

"24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal.Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it."

28.3. The words "reasonable time", as explained in Veerayeeammal V. Seeniammal [2002 (1) SCC 134], at Paragraph 13, is as follows:

¹³ The word reasonable has in law prima facie
<https://hcservices.ecourts.gov.in/hcservices/>

meaning of reasonable in regard to those circumstances of which the person concerned is called upon to act reasonably knows or ought to know as to what was reasonable. It may be unreasonable to give an exact definition of the word reasonable. The reason varies in its conclusion according to idiosyncrasy of the individual and the time and circumstances in which he thinks. The dictionary meaning of the reasonable time is to be so much time as is necessary, under the circumstances, to do conveniently what the contract or duty requires should be done in a particular case. In other words it means, as soon as circumstances permit. In P. Ramanatha Aiyars The Law Lexicon it is defined to mean:

"A reasonable time, looking at all the circumstances of the case; a reasonable time under ordinary circumstances; as soon as circumstances will permit; so much time as is necessary under the circumstances, conveniently to do what the contract requires should be done; some more protracted space than directly; such length of time as may fairly, and properly, and reasonably be allowed or required, having regard to the nature of the act or duty and to the attending circumstances; all these convey more or less the same idea."

28.4. In State of Rajasthan v. D.R.Laxmi [(1996) 6 SCC 445], it was observed by the Hon'ble Supreme Court that delay in approaching the Court within reasonable time is always a question of fact and have the order invalidated or acquiesced or waived, the discretion of the Court has to be exercised in a reasonable manner.

28.5. In Tridip Kumar Dingal and Others v. State of West Bengal and Others [(2009) 1 SCC 768], maintainability of the writ petitions on the ground of delay and laches has been considered elaborately and it is relevant to extract the following paras of the said judgment:

"56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the

Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime (vide *State of M.P. v. Bhailal Bhai* [AIR 1964 SC 1006], *Moon Mills Ltd. v. Industrial Court* [AIR 1967 SC 1450] and *Bhoop Singh v. Union of India* [(1992) 3 SCC 136]). This principle applies even in case of an infringement of fundamental right (vide *Tilokchand Motichand v. H.B. Munshi* [(1969) 1 SCC 110], *Durga Prasad v. Chief Controller of Imports & Exports* [(1969) 1 SCC 185] and *Rabindranath Bose v. Union of India* [(1970) 1 SCC 84]).

58. There is no upper limit and there is no lower limit as to when a person can approach a court. The question is one of discretion and has to be decided on the basis of facts before the court depending on and varying from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose." (emphasis supplied)

28.6. In *Karnataka Power Corpn. Ltd Through its Chairman & Managing Director & Anr. Vs. K.Thangappan and Anr.* [(2006) 4 SCC 322] it has been observed as follows:-

"Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party".

28.7. Recently in *Chennai Metropolitan Water Supply and Sewerage Board & Ors. Vs. T.T. Murali Babu* [(2014) 4 SCC 108], it has been ruled thus:

"Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the

primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant – a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis”.

28.8. In *Tukaram Kana Joshi And Ors. Vs. Maharashtra Industrial Development Corporation & Ors* [(2013) 1 SCC 353] it has been ruled that:-

“Delay and laches is adopted as a mode of discretion to decline exercise of jurisdiction to grant relief. There is another facet. The Court is required to exercise judicial discretion. The said discretion is dependent on facts and circumstances of the cases. Delay and laches is one of the facets to deny exercise of discretion. It is not an absolute impediment. There can be mitigating factors, continuity of cause action, etc. That apart, if the whole thing shocks the judicial conscience, then the Court should exercise the discretion more so, when no third-party interest is involved. Thus analysed, the petition is not hit by the doctrine of delay and laches as the same is not a constitutional limitation, the cause of action is continuous and further the situation certainly shocks judicial conscience”.

And again:-

“No hard-and-fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party who moves it after considerable delay and is otherwise guilty of laches. Discretion must be exercised judiciously and reasonably. In the event that the claim made by the applicant is legally sustainable, delay should be condoned. In other words, where circumstances justifying the conduct exist, the illegality which is manifest, cannot be sustained on the sole ground of laches. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred, for the other side cannot claim to have a vested right in the injustice being done, because of a non-deliberate delay. The court should not

harm innocent parties if their rights have in fact emerged by delay on the part of the petitioners.”
(emphasis supplied)

Thus the ratio laid down in the above cited decisions would indicate that delay and laches is adopted as a mode of discretion and if the whole thing shocks the judicial conscience, then the Court should exercise the discretion more so, when no third-party interest is involved and the delay and laches would not grant the relief in all types of cases.

29. This Court, keeping in mind the ratio laid down in the above cited decisions, proposes to analyze the facts of these cases.

30. Insofar as Category I cases are concerned, the writ petitions came to be filed between 2004 and 2008 and are still pending. As regards Category II, the petitioners had approached the Court on earlier occasion by filing writ petitions, which came to be dismissed and after the judgment of the Hon'ble Supreme Court of India dated 07.08.2014 made in C.A.No.7667 of 2014 etc. batch, came forward to file these writ petitions. The above cited judgments rendered by the Hon'ble Supreme Court of India lay down the proposition that reasonable time to approach the Court for redressal of grievance has not been explained or defined and it depends upon facts and circumstances of each case. It has been further held that unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs the High Court in deciding whether or not to exercise jurisdiction under Article 226 of the Constitution of India in favour of the concerned litigant. Of course, it is for the petitioners to satisfy this Court that the facts and circumstances clearly justify the laches or undue delay on their part in invoking the jurisdiction of this Court under Article 226 of the Constitution of India. Belated approach made by the concerned party to get redressal of his grievance is always a question of fact and the discretion has to be exercised in the facts and circumstances of each case.

31. It is very pertinent to point out at this juncture that litigations started in the year 1998 before the Tamil Nadu Administrative Tribunal, which reached the portals of the Hon'ble Supreme Court of India in the year 2007 in the form of Special Leave Petitions and they were entertained only on the limited issue of delay and laches on the part of the concerned petitioners to approach the Court. After admission of Special Leave Petitions, they were converted and numbered as C.A.Nos.7667 of 2014 etc. batch numbering 11 cases. As already pointed out in the earlier paragraphs that the Hon'ble Supreme Court of India has observed that it was the bounden duty of the State Government to implement the order of the Tribunal in letter and spirit, more so after it had obtained finality and not doing so would result in meritorious

candidates being ignored despite their higher merit, than those appointed while implementing the order of the Administrative Tribunal and further observed that had the aforesaid onus and responsibility been discharged by the State Government, there would have been no need for the petitioners either to approach the High Court or the Hon'ble Supreme Court.

32. The Administrative Tribunal, this Court as well as the Hon'ble Supreme Court of India had found that zone-wise selection for recruitment to the post of Sub-Inspectors of Police by way of direct recruitment is bad and illegal. It is also relevant to note the following particulars regarding cut off marks secured by candidates in different regions:

Community	Region	Cut off marks
BC	Ramnad	65.25
BC (Women)	Ramnad	40.37
MBC	Ramnad	62.37
MBC (Women)	Tirunelveli	42.37
SC	Ramnad	57.43
Open Category (Women)	Ramnad	*50.12

Admittedly, the petitioners in Category Nos. I and II, in their respective communal category, had secured more marks than that of the above said cut off marks, but for the zone-wise selection conducted by the second respondent/TNUSRB, they would have got selected and as a consequence, non-meritorious candidates who got selected due to zone-wise selection would not have been selected at all. However, due to passage of time, their selection have not been interfered with and instead the Hon'ble Supreme Court of India has taken into consideration the submission made by the learned counsel appearing for the appellants that they may be placed last in the seniority list of Sub Inspectors of Police of the year in which the above said order came to be passed, have to be accommodated.

33. In *Shivdeo Singh and Others v. State of Punjab and Others* [AIR 1963 SC 1909] (cited supra) it has been observed that nothing in Article 226 of the Constitution precludes a High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave palpable errors committed by it.

34. In *Karnataka Power Corpn. Ltd., through its Chairman & Managing Director & Anr. v. K.Thangappan and Anr.* [(2006) 4 SCC 322] (cited supra) issue regarding delay and laches came

up for consideration and it has been held that "in an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party".

35. In *State of M.P. v. Nandalal Jaiswal* [(1986) 4 SCC 566] (cited supra) the Hon'ble Supreme Court of India observed that "when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction".

36. In *Tukaram Kana Joshi and Ors. v. Maharashtra Industrial Development Corporation & Ors.* [(2013) 1 SCC 353], the Hon'ble Supreme Court of India observed that "delay and laches is one of the facets to deny exercise of discretion and it is not an absolute impediment and there can be mitigating factors, continuity of cause of action etc; that apart, if the whole thing shocks the judicial conscience, then the Court should exercise the discretion more so, when no third party interest is involved. No hard and fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party who moves it after considerable delay and is otherwise guilty of laches. Discretion must be exercised judiciously and reasonably and in the event that the claim made by the applicant is legally sustainable, delay should be condoned. In other words, where circumstances justifying the conduct exist, the illegality which is manifest, cannot be sustained on the sole ground of laches.

37. In the considered opinion of the Court, the ratio laid down in the judgment in *Tukaram's* case (cited supra) is squarely applicable to the case of the petitioners belonging to Category I and II and it is also to be noted that no third party's right is also involved and by following the above cited order in *K.K.Senthil kumar's* case, they have to take their place last after the directly recruited candidates for the year 2015. Moreover, almost all of the petitioners in Category I and II are in police service as they subsequently joined as Constables and became Grade-I and Head Constables and are serving at present.

38. Insofar as the plea of constructive res judicata, it is submitted by the learned Advocate General that the claim of the petitioners in Category I and II have to be dismissed solely on the ground of delay and laches and not on merits. However, in the light of the ratio laid down in the *Board of Trustees of Cochin Port Trust* case (cited supra), it cannot be put against the petitioners coming under Category I and II.

Issue No.III

39. In Kunhayammed and Others v. State of Kerala and Another [(2000) 6 SCC 359] it has been held that if the judgment of the High Court has come up to the Supreme Court by way of a special leave, and special leave is granted and the appeal is disposed of with or without reasons, by affirmative or otherwise, the judgment of the High Court merges with that of the Supreme Court. In that event, it is not permissible to move the High Court by review because the judgment of the High Court has merged with the judgment of the Supreme Court. It has been further held that dismissal of SLP by the words "dismissed on merits" would remain a dismissal by a non-speaking order where no reasons have been assigned and no law has been declared by the Supreme Court; the dismissal is not of the appeal but of the special leave petition and even if the merits have been gone into, they are the merits of the special leave petition only and neither doctrine of merger nor Article 141 of the Constitution is attracted to such an order.

40. This Court, while answering Issue No.I has dealt with the case of Mr.M.Muthukumar/petitioner in W.P.No.25146 of 2014 and S.L.P(C)No.3950-3951 of 2014, which came to be dismissed on the ground of delay with costs and in the light of the ratio laid down in the above cited decisions, it cannot be said that the order of dismissal in W.P.No.27969/2007 on the ground of laches merge with the order of dismissal passed by the Hon'ble Supreme Court in the Special Leave Petitions.

41. Therefore, Issue No.3 is answered accordingly.

Issue No.IV

42. In the light of the findings/answers given to Issue Nos.I to III, the petitioners in Category I and II, both in Principal Bench as well as Madurai Bench, are entitled to succeed. Insofar as the petitioner in W.P.No.25146 2014 is concerned, if records are available he has to undergo viva-voce test; otherwise the findings rendered by the Hon'ble Supreme Court in paras 5 and 6 of the decision in K.K.Senthil Kumar's case would come into operation.

43. This Court has to deal with Category III cases where the petitioners approached this Court by filing writ petitions during the years 2014 and 2015 respectively, after the above cited judgment rendered by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case. It is to be noted at this juncture that the petitioners were fence sitters and waited on the side lines as to the result of the litigation and after becoming aware of the judgment in K.K.Senthil Kumar's case referred to supra, has jumped into the fray by filing writ petitions during the years 2014 and 2015 respectively and pray for their appointment as Sub-Inspectors of Police.

44. In Rup Diamonds and Others v. Union of India and Others [AIR 1989 SC 674 = (1989) 2 SCC 356], the Hon'ble

Supreme Court observed as follows:

"Petitioners are re-agitating claims which they had not pursued for several years. Petitioners were not vigilant but were content to be dormant and chose to sit on the fence till somebody else's case came to be decided. Their case cannot be considered on the analogy of one where a law had been declared unconstitutional and void by a court, so as to enable persons to recover monies paid under the compulsion of a law later so declared void. There is also an unexplained, inordinate delay in preferring the present writ petition which is brought after a year after the first rejection. As observed by the Court in Durga Prasad case, the exchange position of this country and the policy of the government regarding international trade varies from year to year. In these matters it is essential that persons who are aggrieved by orders of the government should approach the High Court after exhausting the remedies provided by law, rule or order with utmost expedition. Therefore, these delays are sufficient to persuade the Court to decline to interfere. If a right of appeal is available, this order rejecting the writ petition shall not prejudice petitioners' case in any such appeal."

(emphasis supplied)

45. The petitioners in Category III cases has approached the Court only after the judgment in K.K.Senthil Kumar's case and did not agitate their grievance for quite longtime. On account of such a lapse of time and belated approach, they are not entitled to get the relief of parity with petitioners with regard to Category I and II, though they are similarly placed. In the considered opinion of the Court, the claim of the petitioners are hit by delay and laches in the facts and circumstances of their case and hence, equitable jurisdiction of this Court cannot be exercised in their favour.

W.P.No.29805 of 2014

46. The petitioner belongs to Backward Class community and he applied for selection to the post of Sub-Inspectors of Police for the year 1997-1998 under 80% open quota and he secured 40 marks out of 45 marks in the first range of physical test and though he performed well in the written test, he was awarded only 15.81 marks out of 40 marks and he was not called for oral test and only evasive replies have been given. Attention of this Court was also drawn to the common order passed by the Tribunal, which has been modified by this Court and the common judgment dated 07.08.2014 made in C.A.No.7667 of 2014 etc. batch and would submit that till the stage of written test, the petitioner has secured 55.81 marks as against the cut off mark of 56.75 and if the sports certificates have been taken into consideration, he would have

got selected and in this regard, he filed W.P.No.611 of 2006 and it was dismissed on 27.09.2007 and challenging the same, filed W.A.No.1342 of 2007 and this Court, vide judgment dated 05.01.2010, has directed the respondents therein to reconsider the certificates produced by him relating to his participation in extra curricular activities and since the said order has not been complied with, he filed Contempt Petition in Cont.P.No.1923 of 2011 and even prior to that, his request for consideration of sports certificate was rejected, vide order dated 14.05.2010 and thus the contempt petition was closed with liberty to challenge the said order and accordingly, the present writ petition is filed.

47. Mr.P.I.Thirumoorthy, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 14.05.2010 passed by the TNUSRB and would submit that the petitioner has secured 62.31 marks and his candidature was rejected on the ground that the cut off mark for Backward Class community is 65.18 and the same is unsustainable in law in the light of the orders passed by the Division Bench as well as the Hon'ble Supreme Court of India for the reason that the certificates numbering 10 in number would indicate that he has performed well throughout and hence, prays for setting aside the said order with further direction to reconsider the same.

48. Per contra, Mr.A.L.Somayaji, learned Advocate General would contend that the petitioner has secured total marks of 62.31 and in the viva-voce, he has secured 6.5 marks out of 10 marks and since he did not produce the certificates relating to extra curricular activities, no marks was awarded and subsequent to the order passed in W.A.No.1342 of 2007, the said certificates were taken into consideration and it was found that the certificates for National Integration Camp and Bharat Scouts and Guides, Tamil Nadu, produced by the petitioner were not in accordance with the tally sheet dated 14.10.2005 and no marks were awarded for these certificates for the reason that qualification prescribed for Sub-Inspector of Police is a degree and any sports activities at the College, University or State Level would only be recognized for the award of marks as Special Qualification and prays for dismissal of the writ petition.

49. In response to the said submission, the learned counsel appearing for the petitioner would submit that the second respondent has not adopted uniform standards to consider the certificates and the certificates evidencing his participation in National Integration Camp and Bharat Scouts and Guides entitle him to get one more mark and hence, prays for reconsideration.

50. This Court has considered the rival submissions and also perused the materials placed before it.

51. The lowest cut off mark for Backward Class category was 65.25 (Ramnad) and the petitioner has secured 62.31 marks. It is the case of the petitioner that some of the sports certificates ought to have been taken into consideration and in that event, he would have got more marks and thereby could have reached the cut off mark. In Cont.P.No.1923 of 2011, TNUSRB has filed additional reply wherein the details regarding analysis of the sports certificates submitted by the petitioner have been taken into consideration and it has been stated that two certificates came into being after the notification and therefore, no marks can be awarded.

52. This Court is not an expert body to analyze and reconsider the norms prescribed for awarding special marks for extra curricular activities and the selection authorities are best suited for that purpose. No doubt, the petitioner has fallen short by very few marks but in the given facts and circumstances, this Court cannot come to the aid of the petitioner and therefore, this writ petition deserves dismissal.

53. Hence, W.P.No.29805 of 2014 is dismissed.

W.P.Nos.31002 to 31008 of 2014

54. Insofar as the petitioners in W.P.Nos.31002 to 31008 of 2014 are concerned, the petitioners had earlier filed writ petitions which ended in dismissal and though they did not prosecute in the form of further appeal, this Court is of the view that in the light of the findings given by this Court regarding Issues Nos.1 and 2, they are entitled to succeed as they fall in Category II.

W.P.Nos.29368 and 29369 of 2014

55. The petitioner in W.P.No.29368 of 2014 belongs to Backward Class community and he claims that he joined as Grade II Police Constable in the Tamil Nadu Special Police Sub Ordinate Service on 17.11.1988 and after undergoing institutional training, was posted to serve in the Tamil Nadu Special Police IX Battalion, Manimuthar and in pursuant to the notification dated 26.03.1998 issued by the TNUSRB, he applied under 80% open quota by way of direct recruitment and secured 65 marks, but he was not selected. The petitioner in W.P.No.29369 of 2014 would state that he belongs to Backward Class community and he joined as Grade II Police Constable in the Tamil Nadu Special Police Sub Ordinate Service on 25.05.1988 and after undergoing institutional training, was posted to serve in the Tamil Nadu Special Police IX Battalion, Manimuthar and in pursuant to the notification dated 26.03.1998, he applied under 80% open quota for direct recruitment and though he has secured 55 marks, he was not selected. Both the writ petitioners would contend that though Backward Class candidates who secured lesser marks were selected, they were not selected by adopting zone-wise selection and prays for appropriate relief.

56. Heard the submissions of the learned counsel appearing for the petitioners.

57. Perusal of the affidavits filed in support of these writ petitions would disclose as if the petitioners had applied under open quota/direct recruitment, but they cannot do so for the reason that they were already serving in Tamil Nadu Special Police IX Battalion and if at all they could have applied only under 20% departmental quota. The petitioners, in para 6 of their affidavits, had stated about the filing of the earlier writ petition in W.P.No.27969/2007 and also subsequent challenge made by them before the Division Bench as well as before the Hon'ble Supreme Court. In the considered opinion of the Court, the facts and pleadings in the said paragraph are not correct for the reason that W.P.No.27969/2007 pertains to one Thiru.M.Muthukumar. Since the facts pleaded by the petitioners are not clear or correct, this Court is not in a position to grant them any relief.

58. Hence, W.P.Nos.29368 and 29369 of 2014 are dismissed, granting liberty to the petitioners to file fresh writ petitions, if it is permissible under law and if the petitioners are so advised.

W.P.Nos.11863, 11865 and 10723 of 2015

59. The petitioner in W.P.No.10723 of 2015 would state that he belongs to denotified community and he applied for selection to the post of Sub-Inspectors of Police in pursuant to the notification of the TNUSRB dated 26.03.1998 and though he participated upto the stage of oral interview, he was not informed of the selection and in this regard, he has submitted a representation dated 16.06.2015 and since no order has been passed, came forward to file this writ petition.

60. The petitioner in W.P.No.11863 of 2015 belongs to Backward Class community and she joined as Grade II Police Constable in the Tamil Nadu Special Police Sub Ordinate Service on 31.10.1997 and after undergoing institutional training, was posted to serve in the Tamil Nadu Special Police VI Battalion, Palani and in pursuant to the notification issued by TNUSRB dated 26.03.1998 inviting applications from eligible candidates for appointment as Sub-Inspectors of Police, she applied under 80% open quota by way of direct recruitment and though upto the stage of written examination she has secured 56.81 marks, she was not called for viva voce examination and in the light of the common judgment passed by the Hon'ble Supreme Court of India dated 17.08.2014 made in C.A.No.7667/2014, she has submitted a representation dated 01.04.2015 and since no response is forthcoming, came forward to file this writ petition.

61. The petitioner in W.P.No.11865 of 2015 would state that he belongs to Most Backward Class community and joined as

Grade II Police Constable in the Tamil Nadu Special Police Sub Ordinate Service on 24.05.1999 and after undergoing institutional training was posted to serve in the Tamil Nadu Special Police VI Battalion, Avadi-Chennai and in pursuant to the notification issued by TNUSRB dated 26.03.1998, inviting application from eligible candidates for appointment as Sub-Inspectors of Police, he applied under 80% open quota and and though upto the stage of written examination he has secured 73.50 marks, he was not called for viva voce examination and in the light of the common judgment passed by the Hon'ble Supreme Court of India dated 17.08.2014 made in C.A.No.7667/2014, he has submitted a representation dated 31.03.2015 and since no response is forthcoming, came forward to file this writ petition.

62. This Court has considered the submissions made by the learned counsel appearing for the petitioners.

63. Admittedly, all the writ petitioners had waited on the sidelines without approaching the Court at the earliest point of time and after coming to know about the above cited common judgment in K.K.Senthil Kumar's case, has submitted their representation only in the year 2015. This Court, while dealing with the case of the petitioners in Category III, has taken note of the judgment in Rup Diamonds and Others v. Union of India and Others [AIR 1989 SC 674 = (1989) 2 SCC 356], and held that they did not agitate their grievance for quite long time and on account of such lapse of time or belated approach, they are not entitled to claim the relief of parity with the petitioners who belong to Category I and II. Since the petitioners herein had belatedly approached the Court, they are not entitled to get any relief.

64. Hence, W.P.Nos.11863, 11865 and 10723 of 2015 are dismissed.

W.P.No.26325 of 2015

65. The petitioner belongs to denotified community and in pursuant to the notification issued by TNUSRB inviting applications for selection to the post of Sub-Inspector of Police by way of direct recruitment, he applied and participated in the selection conducted in Chennai range and though he performed well, was not selected and according to him, though he has secured more than the cut off marks, his candidature was not considered and hence, came forward to file the present writ petition by directing the respondents to follow the judgment rendered by the Tamil Nadu Administrative Tribunal, this Court as well as the judgment of the Hon'ble Supreme Court dated 07.08.2014 in C.A.No.7667 of 2014 etc., batch.

66. Heard the submissions of the learned counsel appearing for the petitioner who would submit that though the petitioner has secured more than the cut off mark, he was not

selected and hence, prays for appropriate orders.

67. Per contra, learned Advocate General would submit that the petitioner has not even submitted any representation and his affidavit is bereft of material particulars and his claim is hit by delay and laches for the reason that taking advantage of the above cited judgment rendered by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case, he has belatedly approached the Court and prays for dismissal of the writ petition.

68. This Court, after consideration of the rival submissions, is of the view that the petitioner was waiting on the sidelines and taking advantage of the common judgment rendered by the Hon'ble Supreme Court of India in K.K.Senthil Kumar's case, he has belatedly approached the Court and his claim is hit by delay and laches and hence, he is not entitled to get any relief, as he falls in Category III.

69. Hence, W.P.No.26325 of 2015 is dismissed.

W.P(MD).No.20418 of 2014

70. The petitioner belongs to Most Backward Class community and though he had attended Certificate Verification and Physical Efficiency Test and Interview, his name was not forwarded for further scrutiny and hence, came forward to file this writ petition.

71. The third respondent has filed a counter affidavit and would submit that the petitioner has secured 30 marks in Physical Efficiency Test, 14.75 marks in the Written Test and 7.50 marks in Viva-Voce and totally secured 52.25 marks, whereas the cut off mark for Most Backward Community is 55.12 marks and hence, he was not selected.

72. The learned counsel appearing for the petitioner would submit that since the Hon'ble Supreme Court of India has considered the case of similarly placed persons whose records are gone missing by directing the concerned authorities to give relief, the petitioner is also entitled to similar relief.

73. However, the learned Advocate General would submit that the records in respect of the petitioner is available, based on which counter affidavit has been filed and since the petitioner has secured less than the cut off mark, he was not selected.

74. This Court has considered the rival submissions and also perused the materials placed before it.

75. The Division Bench of this Court in the common judgment dated 25.02.2005 made in W.P.Nos.17639 to 17660 of 2001 etc. batch has dealt with the issue in respect of

candidates falling under 20% departmental quota and in para 59 has observed that insofar as the selection under departmental quota is concerned, in as much there is no definite material to conclude that such selection was also made zone-wise and in the absence of any challenge made to the order of the Tribunal on its conclusion that the said selection was made state-wise, they are not inclined to interfere with the conclusion of the Tribunal. Admittedly, the petitioner did not secure the required cut off marks in respect of Most Backward community and apart from that, he waited on the sidelines and jumped into the fray only after the judgment rendered by the Hon'ble Supreme Court of India dated 7.08.2014 made in C.A.No.7667 of 2014 etc. batch and thereafter, submitted a representation dated 10.11.2014 and therefore, he is not entitled to get any relief and this writ petition deserves dismissal.

76. Hence, W.P.(MD).No.20418 of 2014 is dismissed.

W.P.No.23537 of 2005

77. The petitioner has participated in the selection process for the post of Sub-Inspector of Police under direct recruitment during the year 1997-98, vide Reg.No.330843 and he underwent physical test and written examination and he was successful and was called for the interview on 15.12.1998 and he was awaiting for the results. In the interregnum, he applied for the post of Police Constable in 1999 and was appointed as Police Constable on 1.3.2002 and posted to the Tamil Nadu Special Police VIII Battalion at New Delhi and he has served there till 2004 and was transferred to Armed Reserve Police at Palayamkottai as Police Constable and serving in that capacity till date. The petitioner would state that in pursuant to the common order passed by the Division Bench of this Court in W.P.No.17639 of 2001 etc. batch, holding that the zone-wise selection as invalid and the Division Bench has also granted relief to the persons similarly placed like him and became aware of the order, his mother has sent a representation dated 26.04.2005 to the TNUSRB and since it failed to evoke any response, the petitioner himself has submitted a representation dated 11.04.2005 and it was acknowledged on 13.04.2005 and since no order has been passed so far, came forward to file this writ petition. Originally the writ petition was dismissed on the ground of delay and laches, vide order dated 22.07.2005 and the petitioner preferred an appeal in W.A.No.2348 of 2005 and this Court, having taken note of the Division Bench order, has set aside the order and remanded the matter for reconsideration on merits.

78. The learned counsel appearing for the petitioner would submit that since zone-wise selection held to be invalid by the Hon'ble Supreme Court of India in the common judgment dated 7.8.2014 made in C.A.Nos.7667 of 2014 etc. batch, the petitioner is entitled to be selected as Sub-Inspector of Police and prays for appropriate orders.

79. A perusal of the counter affidavit filed in W.A.No.2348 of 2005 would indicate that the petitioner belongs to Backward Class community and he participated in Tirunelveli Range and after completion of Physical Efficiency Test and Viva-Voce, secured 70.8750. It is to be noted at this juncture that the Division Bench as well as the Hon'ble Supreme Court of India held that zone wise selection is invalid and the marks secured by candidate belonging to Backward Class category was 69 in Coimbatore range and admittedly, the petitioner has secured 70.8750 which is much more than the said cut off mark and hence, he is entitled to be considered for selection to the post of Sub-Inspector of Police.

80. In the result, this writ petition is disposed of with a direction to the respondent to give order of appointment to the petitioner posting him as Sub-Inspector of Police subject to his antecedents and physical efficiency and the respondents shall also take note of the fact that the petitioner at present is serving as Armed Reserve Police at Palayamkottai as Police Constable and pass appropriate orders within a period of three months from the date of receipt of a copy of this order from the Registry.

81. In the result,

(i) W.P.No.29805 of 2014 (Category II) is dismissed.

(ii) W.P.Nos.29368 and 39369 of 2014 (Category III) are dismissed.

(iii) W.P.Nos.11863, 11865 and 10723 of 2015 (Category III) are dismissed.

(iv) W.P.Nos.26325 of 2015 (Category III) is dismissed.

(v) W.P(MD).No.20418 of 2014 (Category II) is dismissed.

(vi) W.P.No.23537 of 2005 is disposed of with a direction to the respondent to give order of appointment to the petitioner posting him as Sub-Inspector of Police subject to his antecedents and physical efficiency and the respondents shall also take note of the fact that the petitioner at present serving as Armed Reserve Police at Palayamkottai as Police Constable and pass appropriate orders within a period of three months from the date of receipt of a copy of this order from the Registry.

(vii) The writ petitions in respect of Category

I and II [except W.P.No.29805 of 2015 and W.P.(MD). No.20148 of 2014] are allowed and the respondents are directed to give appointment to the petitioners as Sub-Inspectors of Police, subject to being declared fit after usual medical examination and suitable after police verification as to their antecedents.

(viii) W.P.No.25146 of 2014 is partly allowed and the respondents are directed to call him for viva-voce test and if selected, appoint him as Sub-Inspector of Police and if the relevant papers relating to written test etc. are not available, in the light of the findings rendered by the Hon'ble Supreme of Court at inner pages 5 and 6 of K.K.Senthil Kumar's case, he should be appointed as Sub-Inspector of Police. The appointment to be given is subject to being declared medically fit and suitable after police verification as to his antecedents. It is also made clear that the writ petitioners falling under Category I and II and other writ petitioners, whose writ petitions have been allowed/disposed of with directions, shall be placed below the directly recruited Sub-Inspectors of Police of the year 2015.

(ix) The writ petitions in respect of Category III, are dismissed. No costs.

(x) Consequently, connected miscellaneous petitions are closed.

(xi) The official respondents are directed to implement this order within a period of three months from the date of receipt of a copy of this order from the Registry.

Sd/-

Assistant Registrar(CO)

Dated: 4.2.106

*Corrected as per order dated 7.3.2016 and made herein

Sd/

Assistant Registrar

Dated: 11.3.2016

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Secretary to Government,
Home (Police II) Department,
Fort St.George,
Chennai-600 009.
 2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
 3. The Chairman,
The T.N. Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.
 4. The Secretary to Government,
Home (Police V) Department,
Fort St. George, Chennai - 9
 5. The Chairman,
TamilNadu Uniformed Services Recruitment Board,
No.4, 9th Cross Street, Indira Nagar,
Chennai 20.
- +13 cc's to Mr.Muthappan, Advocate, S.R.Nos.15150, 15234
- +3cc's to Mr.G.Bala & Daisy, Advocate, S.R.No.5116
- +1cc to Mr.L.Siva Kumar, Advocate, S.R.No.4791
- +1cc to M/s.Balan Haridas, Advocate, S.R.No.4619
- +2cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.5289 & 5288
- +20cc's to Mr.S.Sivakumar, Advocate, S.R.No.4654
- +1cc to the Government Pleader, S.R.Nos.5898
- +8cc's to M/s.P.I.Thirumoorthy, Advocate, S.R.No.4895(10.2.16)
- + 1 cc to Mr.S.T.Varadharajulu, Advocate Sr 5382 (26/2/16)

To be
substituted
to the
order
already
despatched
on 5.2.2106

KSJ(CO)
CA(05/02/2016)

kk 11/3

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