

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.43883 of 2016

M.Velmurugan, Advocate
Formerly Member of the Bar Council
of Tamil Nadu and Puducherry and
Former Secretary of the MHAA
Shaw Wallace Buildings
Thambu Chetty Street
Chennai - 600 001. ... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by Secretary to Government
(Police XVIII Department)
Secretariat, Chennai - 600 009.
2. The Director
Forensic Science Department
Mylapore, Chennai - 600 004. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the first respondent to frame service rules immediately in respect of the posts created by the first respondent in G.O.Ms.No.707, dated 11.8.2010 by fixing the qualification in tune with the requirements of the Information Technology Act, 2000 qualifications in the Degree/PG Degree in the Computer Science, namely MCA/MSc Computer Science/BE Computer Science.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner is aggrieved by the non satisfactory response by the respondents by letter dated 21.7.2016 stating that the Special Rules for Tamil Nadu Forensic Science State/Subordinate Service, including aspects of educational and service qualification for posting of Scientific Staff in the Computer Forensic Division of the Forensic Sciences Department, are being examined since 29.1.2015, but no time limit could be fixed as to when they will be brought in force.

2. The said letter states that the matter has been initiated on 7.6.2016 by seeking certain clarifications from the Directorate and is being examined "exhaustively" by the Directorate and that the consultation would be required with the Home, Personnel and Administration Department, Law Department of the Government as also the Tamil Nadu Public Service Commissioner.

3. We put to the learned Additional Government Pleader that certainly there cannot be an indeterminate time period, especially as the matter pertains to qualification and terms and conditions of scientific personnel who are involved with investigation of crime. It is trite to say that there has been progress by leaps and bounds world over as to how crime is to be investigated through scientific methods, but somehow we have not followed the matter in earnest and this is a reflection of the same. We, thus, asked the counsel as to what they presume to be a reasonable time period within which the matter can be concluded.

4. The learned Additional Government Pleader states that a period of three months should be enough. As a precaution, we grant four months time for the said purpose making it clear that the respondents shall remain bound by the time period and hopefully not give a cause to the petitioner to file any contempt proceedings.

The petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Secretary to Government
State of Tamil Nadu
(Police XVIII Department)
Secretariat, Chennai - 600 009.
2. The Director
Forensic Science Department
Mylapore, Chennai - 600 004.

+2cc to Mr.Gnanasekar, Advocate, S.R.No.74586 &74586
+1cc to the Government Pleader, S.R.No.74713

kk(CO)
md(27/12/2016)

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