



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) .No.15915 of 2016

M.Ramachandran

... Petitioner

vs

1.The Director General of Police
Law and Order
Kamarajar Salai
Mylapore, Chennai-04

2.The Superintendent of Police
Nagercoil
Kanyakumari District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner for conversion as Sub Inspector of Police (Taluk) from Sub Inspector of Police (AR) by relaxing the upper age limit and by giving him 2 marks as requested in the petitioner's representation, dated 24.06.2016, within a stipulated time.

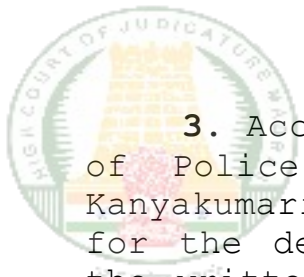
For petitioner : Mr.Chamundi Bose

For Respondents : Mrs.S.Bharathi
Govt. Advocate

O R D E R

Mrs.S.Bharathi, learned Government Advocate, takes notice for the respondents. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

2. The prayer in this writ petition is for issuance of a writ of mandamus to direct the respondents to consider the petitioner for conversion as Sub-Inspector of Police (Taluk) from Sub-Inspector of Police (AR) by relaxing the upper age limit and by giving two marks as requested by him in the representation, dated 24.06.2016, within a stipulated time.



3. According to the petitioner, he is serving as Sub-Inspector of Police (AR), in the Armed Reserve Police at Nagercoil, Kanyakumari District. He attended the exam conducted during 2006 for the departmental candidates under 20% quota and he attended the written exam conducted during 2007 for the selection of Sub-Inspector of Police in Law and Order (Taluk) Department, in which he secured 77 marks. The cut-off mark was 79 marks. Therefore, he sent a representation, dated 24.06.2016, to the respondents seeking grant of two marks for the correct answers for which no mark was given and also seeking age relaxation. Since there was no response, he has filed this writ petition.

4. Mrs.S.Bharathi, learned Government Advocate, submitted that the representation of the petitioner, dated 24.06.2016, has been considered by the respondents in the light of the directions issued by this Court in W.P.(MD) No.9414 of 2015 filed by the petitioner earlier for the very same relief and it has been rejected. To that effect, she has produced an endorsement, dated 16.08.2016, issued by the first respondent.

5. On perusal of the endorsement, dated 16.08.2016, it is seen that the claim of the petitioner has been negatived on the following grounds:

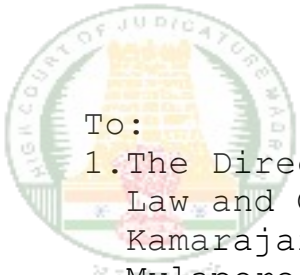
- (i) The petitioner was awarded with a punishment of postponement of increment for a period of two years, which would operate to postpone his future increments, by the Deputy Inspector-General of Police, Tirunelveli Range on 09.04.2015 and therefore he is not eligible for appointment as Sub-Inspector of Police (Taluk) by transfer as per the prescribed norms.
- (ii) Age relaxation has been granted on earlier occasions to the persons, who are having unblemished service and since the petitioner is having punishment, he has not fulfilled the conditions for appointment as Sub-Inspector of Police (Taluk) by transfer.

6. In such circumstances, this Court is of the view that the relief sought for by the petitioner has become infructuous as his claim has been considered and negatived by the respondents and the writ petition is, therefore, liable to be dismissed.

7. In the result, the writ petition fails and it is dismissed.
No costs.

Sd/
Assistant Registrar (AS)

/True Copy/



To:

1.The Director General of Police,
Law and Order,
Kamarajar Salai,
Mylapore, Chennai-04.

2.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

+1 cc to MR.CHAMUNDI BOSE, Advocate SR.No.47491

+1 cc to the Special Government Pleader SR.No.47708

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SMA/SKS-RR/12/09/2016 :3P/5C