

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

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THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.Nos.1551 to 1553 of 2015

Tmt.S.Bhuwaneshwari ... Appellant in all the Writ Appeals

-vs-

1. The State of Tamil Nadu
rep.by the Secretary
Home Department
Secretariat, Fort St.George
Chennai 600 009
2. The Director General of Police
Tamil Nadu
Chennai 600 004
3. Tamil Nadu Uniformed Services
Recruitment Board
Anna Salai
Chennai 600 002 ... Respondents in all the Writ Appeals

Appeals under Clause 15 of the Letters Patent, against the order dated 16.12.2011 made in W.P.Nos.22769 of 2006, 13994 & 13995 of 2010.

Prayer in W.P.Nos.13995 of 2010:

Petition under article 226 of the constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to appoint the petitioner to the post of Women Sub Inspector who had appeared in the examination held in the year 2001-2002 by applying the rule of reservation of 10% for the dependant category and also taking into account of the correct marks she had secured in the Psychology paper and general knowledge paper.

Prayer in W.P. No 22769 of 2006:

Petition under Article 226 of the constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 publish the merit list of all candidates who

appeared in the written and oral test physical test for the appointment to the post of women Sub Inspector of Police conducted by the 3rd respondent pursuant to the notification dated 06.11.2002 in Na.Ka.No.A1/4500/2001 under the respective category of reservation .

Prayer in W.P.13994 of 2010:

Petition under Article 226 of the constitution of India praying for the issuance of a Writ of declaration to declare the entire selection process conducted by the respondents herein for recruiting 961 Women sub inspector post of as null and void in so far as they have not applied the reservation of 10% earmarked for the department of police personnel as illegal, null and void.

For Appellant :: Mr.U.Karunakaran

For Respondents:: Mr.K.Venkataramani
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayanan
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the appellant and the learned Additional Advocate General for the respondents on the point.

2. It appears that the appellant/writ petitioner is shown to have applied under the wards quota for selection to the post of Sub Inspector of Police during the year 2001. It also appears that the claim of wards quota has not been considered by the selection committee on account of the Government Order being issued in that regard. The learned single Judge, while considering the case of the appellant/writ petitioner, has rejected her request holding that she was not eligible to be appointed under the BC category, of which she belongs to, for not securing the cut-off mark of 50. In this regard, the learned single Judge has also observed that on an earlier occasion, when a direction was issued to the State to consider the legality of the 10% reservation in the writ petition filed by a similarly placed person, the State has approached the Supreme Court and the Supreme Court also has set aside the said direction. As a matter of fact, at the relevant point of time, the appointments were made/filled up from the open quota and the 10% reservation vacancy was not implemented as per the Government Order. Now at this stage, the appellant cannot

reiterate that she should have been considered under the wards quota. Even otherwise, the appellant cannot contend that had she been considered under the wards quota she would have been selected, on ifs and buts. Hence, we do not find any reason to interfere with the order of the learned single Judge. Accordingly, the writ appeals are dismissed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ss

To

1. The Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai 600 009
2. The Director General of Police
Tamil Nadu
Chennai 600 004
3. Tamil Nadu Uniformed Services
Recruitment Board
Anna Salai
Chennai 600 002

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LRS (CO)
sp(30/08/2017)

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