

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33492 of 2017

R.Ravindran

.. Petitioner

-vs-

1. The Secretary
Government of Tamil Nadu
Home (Police II) Department
St.George Fort
Chennai 600 009

2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai 600 004

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records from the second respondent for the order passed in Rc.No.227831/GB III(1)/2014 dated 21.11.2014 by the second respondent and quash the same and further direct the respondent to consider the claim of the petitioner's promotion as Deputy Superintendent of Police (Armed Reserve) by taking into consideration of the educational qualification and treat him as a cadre of Deputy Superintendent of Police (Armed Reserve) as a consequential service and monetary benefits.

For Petitioner :: Mr.A.Rajakumar

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

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ORDER

This writ petition is directed against the very old order dated 21.11.2014 passed by the Director General of Police, rejecting the request of the petitioner for granting promotion to the post of Deputy Superintendent of Police, on the ground that he is not eligible for such promotion.

2. When the petitioner was appointed as a Grade II Police Constable and posted in Pudukkottai district on 7.6.79, he was promoted as Inspector of Police in the year 2005. Even at the time of joining the police service, it is the admitted case of the petitioner that he was a failed candidate even in 10th class. However, he passed the first year foundation course conducted by Madurai Kamaraj University in 1984. When the respondents have prepared a panel fit for promotion as Deputy Superintendent of Police (Armed Reserve), it was indicated that one should serve as Inspector of Police for five years and also possess the requisite qualification of a pass in old SSLC or an equivalent eligible educational qualification. Since the petitioner admittedly has not passed the old SSLC, he was not included in the panel drawn for the promotional post of Deputy Superintendent of Police. Therefore, citing a reason that he has passed the first year foundation course conducted by Madurai Kamaraj University, the petitioner made an application for his promotion. Since the G.O.Ms.No.528, Personnel and Administrative Reforms (Per.R) Department dated 18.5.85 states that the pre-foundation course of Madurai Kamaraj University Open University System is recognised as equivalent to the 10 year SSLC of the Tamil Nadu Government for the purpose of entry into public service, he has pressed for such promotion on the basis of his representation stating that he had passed the pre-foundation course of Madurai Kamaraj University. Whereas the Government has directed that the two years foundation course conducted by Madurai Kamaraj University/Open University be only recognised as equivalent to Higher Secondary (+2) course of the Tamil Nadu Government for the purpose of entry into public service in the State of Tamil Nadu.

3. No doubt, the petitioner has passed the first year pre-foundation course offered by Madurai Kamaraj University under Open University System. But when the order of rejection was passed on 21.11.2014, the petitioner, having slept over the matter for almost three long years, has approached this Court belatedly, even after his retirement. When he retired from service with effect from 31.7.2017, it is not known why he has not pursued the matter immediately after the impugned order was passed in the year 2014. Hence, he is held guilty of laches and accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Government of Tamil Nadu
Home (Police II) Department
St.George Fort
Chennai 600 009
2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai 600 004

+1cc to the Government Pleader, S.R.No. 92559
+1cc to Mr.A.RAJAKUMAR Advocate, S.R.No. 91388

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TR(10/01/2018)



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