

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1352/2017

A.Subramaniyan

..Petitioner

Vs

1.The Secretary,
Home Department
Government of Tamil Nadu
Fort St George, Chennai 600 009.

2.The Director General of Police
Chennai 600 004.

3.The Commandant
Tamil Nadu Special Police
Regimented Centre
Avadi, Chennai-54.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records and proceedings in Rc.No.B1/20046/2016 dated 21.12.2016 passed by the 3rd respondent and quash the same and consequently, direct the respondents to conduct Special Selection for the petitioner without reference to age qualification as done in the case of similarly placed persons.

For Petitioner : Mr.M.S.Soundararajan

For R1 to R3 : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner would state that as per the earlier practice, selection to the post of Bugler Police Constables in the Armed Reserve was done by the District Superintendent of Police among the Wards/dependents of the retired, deceased police personnel and the dependents of serving police personnel and the petitioner, who has passed 10th standard, had applied for the said post as his father was serving in the said Department for 32 years and he was called for selection on 17.01.1994 and was selected in the year 1994 and however, the appointment order could not be issued to him on account of the legal intradict in the form of orders passed by the Tamil Nadu Administrative Tribunal. The petitioner would further state that the 2nd respondent had issued an advertisement in the year 2005 calling for applications from the eligible candidates for selection to the post of Grade II Band Constable in the Tamil Nadu Police Service as per G.O.Ms.No.877, Home [Pol.IX] Department, dated 05.10.2005 for filling up the existing 737 vacant post and the qualification prescribed was 25 years and pass in 8th standard and the power was also granted to the 2nd respondent to relax the qualification.

3 The petitioner would further state that some of the persons who got selected in the year 1994 along with the petitioner and who were not given appointment, had filed WP.No.16193/2008 before this Court, to quash the advertisement dated 28.11.2007 and to appoint them as Bugler Constables and it was dismissed on 24.07.2008 and however, liberty was granted to the petitioners therein to make a representation to the respondents for relaxation of the special rules insofar as the age and educational qualification is concerned and similar kind orders came to be passed in WP.No.7361/2009 etc., batch on 05.10.2009 ; orders dated 01.02.2011 in WP.No.22149/2010 etc., batch as well as order dated 26.07.2013 made in WP.No.29305/2010 etc., batch, wherein, the impugned orders were set aside with liberty granted to the petitioners therein to submit representations to the 2nd respondent therein, for relaxation of age and educational qualification and in the light of the said fact, the petitioner would pray for similar orders.

4 Heard the submissions of Mr.M.S.Soundararajan, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

5 A perusal of the above cited orders would disclose that persons similarly placed, were given liberty to submit representations for relaxation of age and educational

qualification and in the light of the fact that the petitioner, though was selected on an earlier occasion, could not be accommodated on account of the legal intradict, this Court is of the view that the petitioner is entitled to similar relief as that of the petitioners in the above cited orders.

6 In the result, the writ petition is partly allowed and the impugned order dated 21.12.2016 passed by the 3rd respondent, is hereby set aside and the 2nd respondent is directed to consider the petitioner's representation dated 22.12.2016 on merits and in accordance with law, in the light of the above cited orders and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Secretary,
Home Department
Government of Tamil Nadu
Fort St George, Chennai 600 009.

2.The Director General of Police
Chennai 600 004.

3.The Commandant
Tamil Nadu Special Police
Regimented Centre
Avadi, Chennai-54.

+lcc to Mr.S. Sundararajan, Advocate, S.R.No.4145

tm(CO)
md(10/02/2017)

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