

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. Nos. 1512 to 1517 of 2017

P. Manonmani ..Petitioner in W.P.
No.1512 of 2017

S. Prabhavathhi ..Petitioner in W.P.
No. 1513 of 2017

J. Kavitha ..Petitioner in W.P.
No. 1514 of 2017

D. Senthilkumari ..Petitioner in W.P.
No. 1515 of 2017

Vs.

1. The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The Additional Director General of Police,
(Administration),
Dr. Radhakrishnan Salai,
Mylapore, Chennai 4. ..Respondents

Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to fix the seniority of the respective petitioners based on the marks secured by them as per Rule 25(a) of the Special Rules for Police Subordinate Service, accord proper placement in 'A' list and consider their claim for inclusion of their names in the C list of Sub-Inspectors, fit for promotion as Inspector of Police for the year 2016-17 in the light of the representations made by the respective petitioners dated 21.11.2016, 18.11.2016, 21.11.2016 & 22.11.2016.

For Petitioners :: Mr.M. Muthappan
For Respondents :: Mr.K. Dhananjayan
 Special Govt. Pleader

COMMON ORDER

Learned counsel for the petitioners, in these writ petitions, is absent.

2. The petitioner in W.P. No. 1512 of 2017 would state that she joined Tamil Nadu Police Service as Woman Sub Inspector of Police, as per the orders of the 2nd respondent and after successful completion of training and probation, her name was included in the "A" List of Women Sub-Inspectors of Police with effect from 29.06.2007. As per the Service Rules, the Women Sub-Inspectors, who are directly recruited are kept on probation for 2 ½ years on duty within a continuous period of 3 years and 6 months wherein during the period of probation, they have to undergo institutional training at Police Training Colleges and on completion of one year, they will be sent to Police Stations across the State for training for a period of 6 months as trainee Sub-Inspectors of Police and thereafter, they will be posted to independent stations for a period of one year. The petitioner would also state that at the end of training period of one year, the direct recruits have to undergo a written test on various subjects (10 papers). According to the petitioner, she and other persons, similarly placed, had undergone institutional training at various Police Training Colleges, namely, Tuticorin, Coimbatore and Chennai. She has passed 9 subjects, but failed to secure a pass mark in one subject (Minor Acts) in the first chance and had secured a total of 804 marks. Subsequently, by way of a second chance, the petitioner secured 47.5 additional marks and thereby, secured 851.5 marks, totally, in all the subjects and thereafter, her probation was declared on 27.06.2007 and as stated above, she was brought into "A" List with effect from 29.06.2007. As such, she has become a full member of the service and it is also her claim that she does not lose her seniority in the cadre of Women Sub-Inspector of Police based on the marks secured by her at the end of the training period. The petitioner, by drawing the attention of this Court to Rule 25(a) of the Special Rules for Police Subordinate Service, would state that she has secured a total of 851.5 marks, and therefore, her seniority should be based on the total marks secured by her at the end of the training period, irrespective of the number of attempts and despite that, she has not been assigned proper seniority and in this regard, she has submitted a detailed representation dated 21.11.2016 to the 2nd respondent praying for revision of her seniority, as per the above said Ruling and consider her claim for promotion to the post of Inspector of Police, by including

her name, in the appropriate place. Since no orders have been passed, came forward to file the above writ petition.

3. Insofar as the petitioner in W.P. No. 1513 of 2017 is concerned, she participated in the selection process for appointment to the post of Woman Sub-Inspector of Police for the year 2002-2003 and came out successful. Pursuant to her selection and appointment, she had undergone training and thereafter, her name was included in the "A" list of Women Sub-Inspectors of Police with effect from 05.02.2008. As per the Service Rules, the Women Sub-Inspectors, who are directly recruited are kept on probation for 2 ½ years on duty within a continuous period of 3 years and 6 months wherein during the period of probation, they have to undergo institutional training at Police Training Colleges and on completion of one year, they will be sent to Police Stations across the State for training for a period of 6 months as trainee Sub-Inspectors of Police and thereafter, they will be posted to independent stations for a period of one year. The petitioner would also state that at the end of training period of one year, the direct recruits have to undergo a written test on various subjects (10 papers). According to the petitioner, she and other persons, similarly placed, had undergone institutional training at various Police Training Colleges, namely, Tuticorin, Coimbatore and Chennai. She has passed 9 subjects, but failed to secure a pass mark in one subject (Minor Acts) in the first chance and had secured a total of 824 marks. Subsequently, by way of a second chance, the petitioner secured 49 additional marks and thereby, totally secured 873 marks and thereafter, her probation was declared on 12.02.2008 and as stated above, she was brought into "A" List with effect from 05.02.2008. As such, she has become a full member of the service and it is also her claim that she does not lose her seniority in the cadre of Women Sub-Inspector of Police based on the marks secured by her at the end of the training period. The petitioner, by drawing the attention of this Court to Rule 25(a) of the Special Rules for Police Subordinate Service, would state that she has secured 873 marks, totally, in all the subjects and therefore, her seniority should be based on the total marks secured by her at the end of the training period, irrespective of the number of attempts and despite that, she has not been assigned proper seniority and in this regard, she has submitted a detailed representation dated 18.11.2016 to the 2nd respondent praying for revision of her seniority, as per the above said Ruling and consider her claim for promotion to the post of Inspector of Police, by including her name, in the appropriate place. Since no orders have been passed, came forward to file the above writ petition.

4. Insofar as the petitioner in W.P. No. 1514 of 2017 is concerned, pursuant to her selection to the post of Woman Sub-

Inspector of Police for the year 2002-2003, she was appointed as Woman Sub-Inspector of Police and after successful completion of her training and probation, her name was included in the "A" List of Women Sub-Inspectors of Police with effect from 15.03.2007. As per the Service Rules, the Women sub-Inspectors, who are directly recruited are kept on probation for 2 ½ years on duty within a continuous period of 3 years and 6 months wherein during the period of probation, they have to undergo institutional training at Police Training Colleges and on completion of one year, they will be sent to Police Stations across the State for training for a period of 6 months as trainee Sub-Inspectors of Police and thereafter, they will be posted to independent stations for a period of one year. The petitioner would state that at the end of training period of one year, the direct recruits have to undergo a written test on various subjects (10 papers). According to the petitioner, she and other persons, similarly placed, had undergone institutional training at various Police Training Colleges, namely, Tuticorin, Coimbatore and Chennai. She has passed 9 subjects, but failed to secure a pass mark in one subject (Minor Acts) in the first chance and had secured a total of 826 marks. Subsequently, by way of a second chance, the petitioner secured 55 additional marks and thereby, totally secured 881 marks and thereafter, her probation was declared on 14.06.2007 and as stated above, she was brought into "A" List with effect from 15.03.2007. As such, she has become a full member of the service and it is also her claim that she does not lose her seniority in the cadre of Women Sub-Inspector of Police based on the marks secured by her at the end of the training period. The petitioner, by drawing the attention of this Court to Rule 25(a) of the Special Rules for Police Subordinate Service, would state that she has secured 881 marks, totally, in all the subjects and therefore, her seniority should be based on the total marks secured by her at the end of the training period, irrespective of the number of attempts and despite that, she has not been assigned proper seniority and in this regard, she has submitted a detailed representation dated 21.11.2016 to the 2nd respondent praying for revision of her seniority, as per the above said Ruling and consider her claim for promotion to the post of Inspector of Police, by including her name, in the appropriate place. Since no orders have been passed, came forward to file the above writ petition.

5. Insofar as the petitioner in W.P. No. 1515 of 2017 is concerned, she also makes a similar claim as that of the petitioners in W.P. Nos. 1512 to 1514 of 2017 and she has also submitted a representation dated 22.11.2016, through proper channel, seeking restoration of her original position in the seniority list and promotion to the post of Inspector of Police. Since the said representation is yet to be considered, came

forward to file the above writ petition.

6. This Court heard the submission of Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

7. Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances, without going into merits of the claim projected by the petitioners, either in their representations or in the above writ petitions, directs the 3rd respondent to consider the representations of the respective petitioners dated 21.11.2016, 18.11.2016, 21.11.2016 and 22.11.2016 and pass orders on the same, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the respective petitioners. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The Additional Director General of Police,
(Administration),
Dr. Radhakrishnan Salai,
Mylapore, Chennai 4.

+4cc to Mr.M. Muthappan, Advocate, S.R.No.4482,4483,4481,4480
+1cc to the Government Pleader, S.R.No.4302

ks(CO)
md(13/02/2017)

W.P. Nos. 1512 to 1515 of 2017