

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.SUNDAR

Suo Motu W.P. No.43290 of 2016

1. The Govt. of Tamilnadu,
Rep. by The Chief Secretary to Govt.,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Principal Secretary,
Dept. of Home Prohibition and Excise,
Govt. of Tamilnadu, Secretariat,
Fort St. George, Chennai 600 009.
3. The Principal Secretary,
Personnel and Administrative Reforms
Dept., Govt. of Tamilnadu,
Secretariat, Fort St. George,
Chennai 600 009.
4. The Secretary,
The Cooperative Food and Consumer
Protection Dept., Govt. of Tamilnadu,
Secretariat, Fort St. George,
Chennai 600 009.
5. The Director General of Police,
Govt. of Tamil Nadu,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

... Respondents

W.P.No.40810 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to submit the report before this Court as to issue of gender discrimination in the matter of appointment and promotion in the post of Sub Inspector of Police in the CS-CID, vide order dated 21.11.2016, was taken up as Sua Motu Writ Petition directing the respondents to produce G.O. D.No.994, Home (Police 1A) Dept., dated 19.10.2005 before the Court to examine its validity in law, apparently seeking to debar women officers.

For Respondents : Mr.C.Manishankar
Additional Advocate General,
assisted by
Mr.T.N.Rajagopalan,
Special Government Pleader

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We have perused the counter-affidavit filed by Mr.K.Radhakrishnan, IPS, which now clarifies that G.O. dated 19.10.2005 does not refer to any debarment of women police officers from being posted in the Civil Supplies Criminal Investigation Department (CSCID) so long as it meets the same guidelines which are meant for either men or women police officers.

2.The affidavit now seeks to set up a case as if there was unwillingness or non-meeting of the norms by the women police officers as the reason for issuance of the letter dated 22.09.2016 and states that the deponent has no personal reservation in taking Women Police Inspectors.

3.In the conspectus of the matter, we do believe that this appears to be really a re-think rather than a correct explanation for the letter dated 22.09.2016 and the letter dated 22.09.2016 categorically stated, ''As Women Inspectors have not been inducted into CSCID since its inception in 1964, the DGP, Tamil Nadu, Chennai has been requested to reconsider their postings to CSCID.''

4.On our categorical query, we are informed that neither in the past nor at present there are any Women Inspectors posted in the CSCID, though there may be women officers for other ranks.

5.We, thus, direct that no impediment shall be created and women officers will be encouraged to opt for the CSCID. The mental process of excluding the women officers must be eschewed and we caution the officer not to approach postings with such an intent. Any action to the contrary will be viewed as a gender discrimination issue against the officer concerned.

Writ petition is closed in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

1. The The Chief Secretary to Govt. of Tamilnadu,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Principal Secretary,
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Govt. of Tamilnadu, Secretariat,
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Secretariat, Fort St. George,
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5. The Director General of Police,
Govt. of Tamil Nadu,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

+lcc to the Government Pleader, S.R.No.2045

Suo Motu
W.P.No.43290 of 2016

UG(CO)
CA(20/01/2017)

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