

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44805 of 2016

and WMP.No.38645 of 2016

Jeyabalan.V.

.. Petitioner

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-600 004. ... 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 of the second respondent in connection with the impugned order passed by him in RC.No.154154/Rect.II(1)/2014 dated 31.08.2016 and quash the same and direct the respondents to grant seniority to the petitioner based on the marks obtained by him in the final examination in the Police Training College for those who have been selected like that of the petitioner, based on the orders of the Hon'ble Division Bench dated 25.2.2005 in the light of the Government Order dated 6.7.2009 by including the name of the petitioner in the appropriate place in the selection list of the candidates for the year 1997-98 and grant him all consequential service and monetary benefits including promotion.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed as Special Sub-Inspector of Police based on the orders of the Hon'ble Supreme Court of India in C.A.No.7667/2007 in SLP(C)No.21828/2006 etc. batch [K.K.Senthil Kumar and Others v. State of Tamil Nadu and Others] dated 7.8.2014 and would submit that but for the lapses on the part of the official respondents, he could have been selected as Sub-Inspector of Police along with his batch-mates during the year 1997-1998 and therefore, prays for revision of seniority on par with his batch-mates and also submitted a representation dated 25.04.2016 to the second respondent and it came to be rejected by the second respondent, vide order dated 31.08.2016 and challenging the same, the petitioner has come forward with this writ petition.

3. Mr.M.Muthappan, learned counsel appearing for the petitioner would contend that but for the lapses on the part of the official respondents, the petitioner would have got selected as Sub-Inspector of Police and gained seniority along with his batch-mates, who were recruited during the year 1997-98 and thereby, consequential benefits would be conferred on him, but the second respondent has failed to consider the same and prays for interference.

4. Heard the submissions of Mr.R.A.S. Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents and perused the materials available on record.

5. It is relevant to extract the following portion of the order passed by the Hon'ble Supreme Court in K.K.Senthil Kumar (cited supra):

सत्यमेव जयते

"During the course of hearing, a serious issue arose as to whether the above-mentioned 11 persons, should be granted seniority with effect from the same date persons originally selected against the posts of Sub-Inspector (through the selection process for the years 1997-98) were appointed. Learned counsel for the above-mentioned 11 appellants very fairly state, that they would have no objection if the appointment of these 11 appellants, were ordered to be made with immediate effect, in that, they would be extended the benefit of seniority at the bottom of the regularly appointed Sub-Inspectors as of today. Ordered accordingly."

6. In the light of the above cited order of the Hon'ble Supreme Court, this Court is of the view that the claim made by the petitioner was rightly rejected by the second respondent. This Court, having found that this writ petition lacks merit and substance, is of the view that it deserves dismissal.

7. In the result, this Writ Petition is dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

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-600 004.

+lcc to Mr.M. Muthappan, Advocate, S.R.No.408

+lcc to the Government Pleader, S.R.No.781

ss (CO)

md(19/01/2017)

सत्यमेव जयते

W.P.No.44805 of 2016

WEB COPY