

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA**W.P. (MD)No.16909 of 2017****and****WMP (MD)Nos.13476 & 13477 of 2017**

K.Sathish

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary, Home Department,
Fort St. George, Chennai.
2. The Director General of Police,
Tamilnadu, Santhome, Chennai
3. The Tamilnadu Uniformed Services
Recruitment Board,
Rep. by its Chairman,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai.
4. The Tamilnadu Uniformed Services
Recruitment Board Sub Committee
Rep. by its Chairman
Madurai centre,
Office of the Superintendent of Police
Madurai District
5. The Superintendent of Police,
Madurai District (Rural)
K.Pudur, Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka.No.B1/03464/33/2017 dated 16.02.2017 issued by the 5th respondent and quash the same and thereby consequently direct the respondents 1 to 5 herein to recruit the petitioner Sathish K. registration No.2419290 as either grade - II Police Constable or grade II Jail Warder or Firemen or Armed Reserved Constable in the 1st respondent recruitment process 2017 and appoint the petitioner forthwith with all benefits, emoluments, thereunder.



For Petitioner : Mr.M.Joseph Thatheus Jerome
For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by Mr.A.K.Baskarapandian
Special Government Pleader

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ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is the son of the retired Record Clerk from the Police Department. His father retired from service, after putting unblemished service, on 31.03.2016. When the Notification was issued calling for application from eligible candidates for the post of Grade II Police Constable for the year 2017, as per the Tamilnadu Uniformed Service rule 12 TNPSS Rules 1953 and Rule 7(b) of the TNPSS Rules 1978, Ward/dependent of serving/retired/deceased or medically invalidated police personnel and ward/dependent of serving ministerial staff of police department are eligible to apply under the ward/dependent quota, the 2nd respondent also had issued a memorandum on 01.02.2017 directing all unit officers to issue Ward/dependent certificate to the ward/dependent of serving/retired/deceased or medically invalidated police personnel and ward/dependent of staff serving ministerial of police department in the prescribed format furnished by the Tamilnadu Uniformed Service Recruitment Board, the petitioner also applied to the office of the Superintendent of Police for issuance of the Ward/dependent Certificate to enable him to participate in the appointment. As the issuance of the said certificate was delayed, the petitioner applied for the said post under the general category.

4. The learned counsel for the petitioner would submit that the petitioner, having passed the written examination and physical efficiency test, was able to secure 61 marks as against 64 marks, which is the cut off mark for general category. In the meanwhile, the respondents issued the impugned order on 04.09.2017, dated 16.02.2017. It is further submitted that had the impugned order been served on the petitioner on time, the petitioner could have challenged the same on the ground that he is entitled to come under the Wards quota, as his father is a retired employee from the Police Department. As it was delayed, the petitioner has been fully deprived of the same and the respondents till date, had not



even come forward to fill up the requisite number of candidates under the wards quota. Hence, a direction may be given to the respondents to keep one post vacant during the pendency of the writ petition.

5. The learned Additional Advocate General, placing on record a proof of service of the impugned order dated 16.02.2017, which was served on the petitioner on 21.02.2017, submitted that the petitioner, having received the impugned order on 21.02.2017, has kept quite and thereafter, he has admittedly participated only under the general category and without even making any representation to the respondents, he has come before this Court and moreover, he has not even questioned the said order dated 16.02.2017, after the same being sent on 21.02.2017. Therefore, it is submitted that the petitioner is not entitled to come to this Court, belatedly, when the entire selection process is over.

6. In reply, the learned counsel for the petitioner would submit that though the impugned order dated 16.02.2017, which is said to have been sent on 21.02.2017, there is no proof of service of the said order shown before this Court.

7. A perusal of the impugned order, it is seen that the said order dated 16.02.2017 carries the office seal indicating the date of despatch on 21.02.2017. Secondly, he applied under general category and failed. Therefore, this Court is unable to entertain this writ petition, as it is filed belatedly. Hence, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary
State of Tamil Nadu, Home Department,
Fort St. George, Chennai.
2. The Director General of Police,
Tamilnadu, Santhome, Chennai
3. The Chairman
Tamilnadu Uniformed Services
Recruitment Board,
Director of Police Office Campus,
Pantheon Road, Egmore, Chennai.



4. The Chairman
Tamilnadu Uniformed Services
Recruitment Board Sub Committee
Madurai centre,
Office of the Superintendent of Police
Madurai District.

5. The Superintendent of Police,
Madurai District (Rural), K.Pudur, Madurai District.

+1cc to M/S. M.JOSEPH THATHEUS JEROME, Advocate, SR.No.77140.
+1cc to Special Government Pleader, SR.No.77287.

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RR
SDS/SV:MMS/SAR 1/08.09.2017/4P/8C