

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8002 of 2018

and

WMP.No.9962 of 2018

N.Karthika

...Petitioner

Vs.

1. Director General of Police,
DGP Office,
Mylapore,
Chennai - 600 004.

2. Deputy Inspector General of Police,
Technical Services,
Police Telecommunication Branch,
Mylapore,
Chennai - 600 004.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in respect of the show cause notice C.No.A1/452/12018/2010 dated 14.03.2018 on the file of the Deputy Inspector General of Police, Technical Services, Police Telecommunication Branch, Chennai/ the 2nd respondent herein and quash the same and to direct the 2nd respondent to extend further period of two more years to pass the Tamil test for the petitioner.

For Petitioner : Mr.J.James

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader

O R D E R

The show cause notice dated 14.03.2018 issued by the second respondent is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the father of the writ petitioner late

Sri L.Natarajan passed away on 30.03.1996, while he was in service in the post of Deputy Superintendent of Police (Technical) at Police Telecommunication Branch, Chennai.

3. The writ petitioner was appointed on compassionate grounds in the post of Data Entry Operator. Subsequently, she was posted as Junior Assistant and in respect of regularization the same was not granted on account of the fact that the writ petitioner had not passed the requisite Departmental Test, and the petitioner has not cleared the Tamil language test, which is a requisite qualification under the rules for grant of regularization of service.

4. The writ petitioner had already appeared on eight occasions and not cleared the same. Under these circumstances, the second respondent issued a Show Cause notice in proceedings dated 14.03.2018 directing the writ petitioner to submit her explanation within 15 days from the date of receipt of the said notice.

5. The Show Cause notice states that as per General Rule 12 (A) (b) the writ petitioner has to pass the Tamil Language test. However, the same has not been cleared by the writ petitioner so far. Under these circumstances, the petitioner is constrained to move the present writ petition.

6. This Court is of the opinion that the present writ petition is filed against the Show Cause notice directing the writ petitioner to submit her explanation within 15 days from the date of receipt of impugned notice. No writ petition can be entertained against the Show Cause notice in a routine manner. Judicial review against the Show Cause notice is certainly limited. A writ against the Show Cause notice can be entertained, if a notice is issued by an Incompetent Authority having no jurisdiction or if an allegation of malafide is raised or if the same is in violation of the Statutory Rules in force. Even in case of raising an allegation of malafides the authority against whom such allegations are made to be impleaded as party in writ proceedings in personal capacity. In the absence of raising of any one of the legal grounds, no writ proceedings can be entertained against a Show Cause notice. It is left open to the writ petitioner to submit her explanations/objections in respect of the Impugned Show Cause notice issued by the second respondent. If at all, any final decision is taken a final order is passed then alone, the cause of action would arise for moving the Court of law. Even then, if an appeal remedy is available that also shall be exhausted by the petitioner. This being the legal principles to be followed, this Court is of an opinion that the writ petitioner has not established any one of the legal grounds cited supra for the

purpose of entertaining the writ petition, so also to consider the relief as such sought for in this writ petition.

7. The learned counsel for the petitioner states that the period of 15 days granted in the impugned order is lapsed. However, the petitioner is permitted to submit her explanations within a period of 10 days from the date of receipt of a copy of this order, and in the event of receiving such explanations, the Competent Authorities are at liberty to take a decision and pass orders on merits in accordance with law.

8. Accordingly, the writ petition is devoid on merits and stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

1. Director General of Police,
DGP Office,
Mylapore,
Chennai - 600 004.
2. Deputy Inspector General of Police,
Technical Services,
Police Telecommunication Branch,
Mylapore,
Chennai - 600 004.

+2ccs to Mr.J.James, Advocate, S.R.No.25235
+1cc to the Government Pleader, S.R.No.25927

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and
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