

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.915 of 2014

1. The Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai-600 009.
2. The Director General of Police/Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.
3. The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore, Chennai - 600 004

...Appellants/Respondents

...Vs...

P.Natesan

...Respondent/Petitioner

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act,
to set aside the order dated 04.11.2009 passed in W.P.No.10760
of 2009.

W.P.No.10760 of 2009:

Petition filed under Article 226 of the constitution of
India, directing the 2nd respondent to add two marks to the
petitioner for recruitment of Sub-Inspector of Police (Men-80%
Quota) 2006 and further direct the respondents to select and
appoint the petitioner as Sub-Inspector of Police under 80% open
candidates quota and fix the appropriate place in the selection
and grant all consequential service and monetary benefits.

For Appellant : Ms.Narmada Sampath
Additional Advocate General
Assisted by Ms.A.Srijayanthi
Special Government Pleader

For Respondent : Mr.S.Sivakumar

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The learned single Judge by order dated 04 November 2009 directed the appellants to prepare a list of all the nonselected candidates who have answered question No.11 with option No. (D), question No.38 with all the answers and question no.44 with option no.(A) and grant them marks accordingly, for selection to the post of Sub Inspector of Police. The learned single Judge issued string of directions to the appellants for compliance. The said order is under challenge at the instance of the State.

2. The learned Additional Advocate General submitted that the issue raised before the learned single Judge is covered by a decision of the Division Bench dated 23 December 2010 in W.A.No.1720 of 2010 etc., batch. The order was upheld by the Supreme Court in S.L.P.Nos. 36358 to 36391 of 2011.

3. We have also heard the learned counsel for the respondents.

4. The Judgment in the Appeal appears to have been passed prior to the orders which is the subject matter of appeals in W.A.No.1720 of 2010 etc., batch, which was disposed of by the Division Bench on 23 December 2010. The respondent is similarly situated and therefore, the earlier decision of the Division Bench would apply to the case on hand. We are therefore of the view that the order under challenge deserves to be set aside.

5. The Impugned order dated 04 November 2009 is set aside. The Writ Petition in W.P.No.10760 of 2009 is dismissed.

In the upshot, we allow the intra Court appeal. No costs.

s/d-

Assistant Registrar(CS-III)

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Sub-Assistant Registrar

To

1. The Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai-600 009.

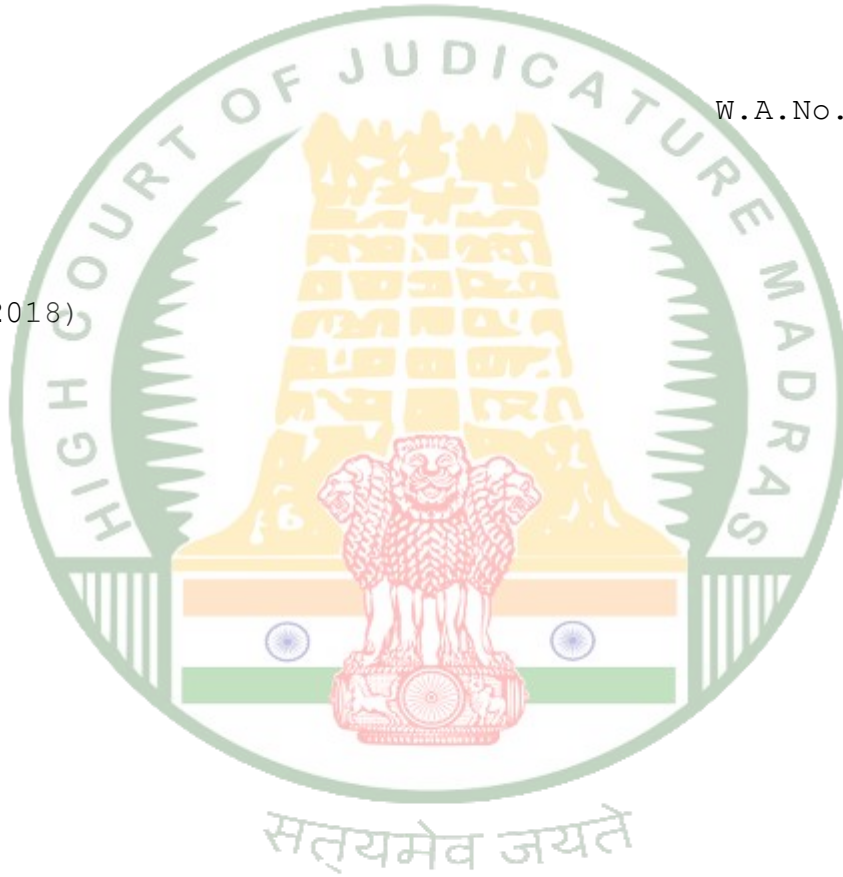
2. The Director General of Police/Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai,
Chennai-600 002.

3. The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore, Chennai - 600 004

+1 CC to Govt. Pleader sr 19648.

W.A.No.915 of 2014

SJ(CO)
SP(10/04/2018)



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