

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1741 of 2018
and
C.M.P.No.13905 of 2018

Ms.M.Aadhi Lakshmi

Appellant/Petitioner

Versus

- 1 The State of Tamil Nadu
Rep. by its Principal Secretary to
Government
Home(Public) Department
Secretariat Fort St. George
Chennai -600009
- 2 The Director General of Police
Kamarajar Salai Mylapore
Chennai - 600 004
- 3 The Additional Director General
of Police (Admn.)
Kamarajar Salai
Mylapore Chennai - 600 004
- 4 The Director General of Police (Training)
Kamarajar Salai Mylapore
Chennai - 600 004
- 5 V.Sherlin
- 6 V.Sreedevi
- 7 S. Saalini
- 8 K.S. Jayachirta
- 9 R.P. Sreekala
- 10 A.Indira
- 11 C. Thanammal
- 12 K.S. Nagalakshmi
- 13 K.Bindhu
- 14 R.Prema

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters

Patent against the order dated 2.8.2018 passed in W.M.P No.22955 of 2018 in WP No.19505 of 2018 on the file of this court.

W.P.No. 19505 of 2018 Prayer: to Call for the records relating to the impugned proceedings issued by the 3rd respondent in RC No. 168187/ Rect. II91)/ 2016 dated 19.07.2018 and to quash the same and consequently directing the respondents to draw the seniority list in the post of Sub Inspector of Police Category - I by taking into account of the marks secured by the individual candidates in the Training following year of appointment and final examination conducted by police Training College in accordance with law.

W.M.P.No. 22955 of 2018 Prayer: To grant an order of Interim stay the operation of impugned proceedings issued by the 3rd respondent in R.C.No. 16187 /Rect.II 91/2016, dated 19/07/2018, pending disposal of the W.P.

For appellant : Mr.K.Mohanamurali
For RR1 to 4 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For R5 & 9 to 14 : Mr.K.Sampathkumar
For R6 & R8 : Mr.Venkataramani,
Senior Counsel for
Mr.M.Muthappan
For R7 : Mr.R.Ramesh

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. As against the order passed by the learned Single Judge in the stay application, this writ appeal is filed by the writ petitioner.

3. It is the case of the appellant/writ petitioner that seniority of herself alongwith similarly placed persons has not been properly considered and they have been overlooked.

4. On the other hand, the learned Special Government Pleader submitted that based on the marks obtained in the final examination conducted by the Police Training College, the seniority has been fixed.

5. In the present scenario, we are of the view that non granting of any interim order staying the seniority list, no prejudice would be caused to any party. Further, the matter would be decided after giving fullest opportunity to both the parties. What is the criteria for fixation of inter se seniority among the contesting candidates and whether approval for the draft seniority must be based on merit or on the marks obtained in the examination conducted by Police Training College selection has to be decided. In the fact situation, the non consideration of grant of any interim relief as sought for in the application for stay will not prejudice the case of either parties rather, it would enhance the morale and the parties would be provided with full opportunity to file counter before the learned Single Judge in the main writ petition itself. However, any order passed or any person promoted in the meanwhile will be subject to the result of the writ petition. We request the learned Single Judge to expedite the disposal of the main writ petition itself after filing of counter by the Government and also after hearing necessary parties.

6. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Principal Secretary to
Government
Home (Public) Department
Secretariat Fort St. George
Chennai - 600009
- 2 The Director General of Police
Kamarajar Salai Mylapore
Chennai - 600 004
- 3 The Additional Director General
of Police (Admn.)
Kamarajar Salai
Mylapore Chennai - 600 004
- 4 The Director General of Police (Training)

Kamarajar Salai Mylapore
Chennai - 600 004.

5. The Section Officer,
Writ Section, High Court,
Madras.

+1cc to Mr.K.Mohanamurali, Advocate SR.No.57065
+1cc to Mr.K.Sampath Kumar, Advocate SR.No.57100
+1cc to Government Pleader SR.No.57682

W.A.No.1741 of 2018

PV(CO)
GN(31/08/2018)



WEB COPY