

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.3.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1946 of 2013  
and  
C.M.P.No.1 of 2013

1. The Director General,  
Central Reserve Police Force,  
CGO Complex, Lodhi Road,  
New Delhi.
2. The Deputy Inspector General of Police,  
Central Reserve Police Force,  
Group Centre, Avadi, Chennai 600 065.
3. The Deputy Inspector General of Police  
(Communications),  
Central Reserve Police Force,  
CGO Complex,  
Lodhi Road, New Delhi.
4. The Commandant,  
5th Signal Bn. CRPF,  
Hallo Majora  
Post Industrial Area Phase II,  
Ramdarbar, Chandigar 160 002.
5. The Commandant,  
90th BN CRPF, Bijbehara,  
C/o. 56 A.P.O. Jammu & Kashmir.

Appellants/Respondent

Versus

P.Kalappan

Respondent/Petitioner

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 11.12.2012 passed in W.P.No.10784 of 2009 on the file of this court.

W.P.No.10784 of 2009:

This Writ Petition is filed under Article 226 of the constitution of India With a prayer to issue a Writ of certiorarified Mandamus calling for the records relating to the impugned order No.C-IX-20/2005-08-C(13) dt.11.12.2008 issued by the 3rd respondent herein and quash the same and to direct the respondent to remuster the petitioner as Head Constable Radio Operator in the Central Reserve Police Force with all monitory benefits.

For appellants : Mr.A.Kumaraguru  
For respondent : Mr.A.S.Mujbur Rahman

JUDGMENT

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

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the Central Reserve Police Force, questioning the correctness of the order passed by the learned Single Judge in setting aside the impugned order of reversion and directing for restoration of the respondent herein to his original position with consequential benefits.

3. It appears that originally, the respondent herein was appointed as Constable in the Central Reserve Police Force during March 2002, later, he was promoted to the post of Head Constable (Ratio Operator) on proper selection process and training. However, it appears that later, during the year 2008, a show cause notice came to be issued to the respondent herein with regard to reverting him on the ground that he does not have the required qualification viz., Maths in 10+2 course and subsequently, he was so reverted as Constable which was challenged by the respondent herein before the learned Single Judge. The learned Single Judge, having gone through the materials available on record, allowed the writ petition which order is under challenge in the present writ appeal at the instance of the Department.

4. On going through the order passed by the learned Single Judge, we find that the respondent herein is having the qualification of 10+2 with English, Physics, Chemistry, Botony and Zoology. It is also seen that the learned Single Judge, on perusal of the relevant Rules furnished by the Central Reserve Police Department with regard to the requisite qualification for the post concerned and having satisfied that the candidate is fully qualified since he possesses the requisite qualification viz., English and General Science instead of Maths and Physics, allowed the writ petition and directed the authorities to restore the original position of the respondent herein with consequential benefits.

5. After hearing the learned counsel appearing for the parties and perused the materials available on record, we are of the view that the respondent herein possesses requisite qualification as found by the learned Single Judge and therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. In that view of the matter, the writ appeal is dismissed. The appellants are directed to comply with the order passed by the learned Single Judge within a period of two months from the date of receipt of a copy of this judgment. No costs. The connected miscellaneous petition is also dismissed.

s/d-  
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Director General,  
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+1 CC to Mr.A.S. Mujibur Rahman, advocate sr 16509.

+1 CC to Mr.A. Kumaraguru, Advocate sr 16542.

W.A.No.1946 of 2013

SP(12/04/2018)