WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:31.01.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.(MD) No.2498 of 2011

G.Gandhi Raj ... Petitioner

-vs-

1.The Chairman/Director General of Police,
Tamil Nadu Uniform Services Recruitment Board,
Chennai.

2.The Secretary/The Inspector General of Police,
Tamil Nadu Uniform Services Recruitment Board,
Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in R.c.No.175542/Rect 1(2)/09, dated 09.07.2010 and quash the same as illegal and unlawful and to direct the first respondent to appoint the Petitioner as Police Constable Grade-II.

For Petitioner : No appearance
For Respondents : M/s.V.P.M.Vaishnavi
Government Advocate

O R D E R

The order of rejection issued by the first respondent in proceeding, dated 9.7.2010, is under challenge in this Writ Petition.

2.The Writ Petitioner submitted an application pursuant to the notification issued by the first respondent for recruitment to the post of Police Constable Grade-II. The Petitioner had participated in the process of selection including Physical Eligibility Test and Medical Examination. However, the Petitioner was not selected. It is pertinent to note that the selection was of the year 2003 and thereafter, the Petitioner had not preferred any appeal immediately. The Petitioner submitted an appeal only on 19.10.2009 and on 25.4.2010 to the Director General of Police, who in turn, passed the impugned order on 9.7.2010 stating that the Writ Petitioner was provisionally selected for recruitment to the post of Police Constable Grade-II and no appointment was issued to him on account of the hearing problems identified by the authorities. This apart, the fact regarding the hearing problem to the Petitioner was informed to him in Office Endorsement in R.C.No.080992/Recruitment 3/2003, dated 7.1.2004. However, the Petitioner preferred an appeal for second Medical Examination on 6.6.09 and in fact, the Petition was sent to the Honourable Chief Minister's Grievance Cell. The respondents states that as per G.O.Ms.No.1791, Home (Pol.3)

https://hcservices.ecourts.gov.in/hcservices/

Department, dated 14.12.2007, the time limit prescribed for preferring an appeal is three months from the date of receipt of the orders of the first Medical Board.

3.Under these circumstances, the request of the Writ Petitioner was negatived. The fact regarding the rejection of the request was also communicated to the Writ Petitioner in proceeding dated 5.10.2009. Thereafter, the Petitioner has chosen to prefer the present Writ Petition.

4.This Court has to consider the selection for appointment to the post of Grade-II Police Constable was completed in the year 2003 itself. Though the Writ Petitioner was provisionally selected, he was not appointed on account of the hearing problem which was identified by the Selection Committee. Further, the Petitioner has not pursued his appeal remedy within the time limit. The appeal itself was submitted after a lapse of six years from the date of selection on 6.6.2009. Thus, the Petitioner had slept over his right for more than six years.

5.Under these circumstances, this Court is of an opinion that the reasons stated in the impugned order is in accordance with law and there is no infirmity. This apart, even on merits, the Petitioner is identified by the Selection Committee that he is having hearing problem. Under these circumstances, the case of the Petitioner deserves no further consideration.

6.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar

To

1.The Chairman/Director General of Police,
Tamil Nadu Uniform Services Recruitment Board,
Chennai.
2.The Secretary/The Inspector General of Police,
Tamil Nadu Uniform Services Recruitment Board,
Chennai.

+1cc to Special Government Pleader, SR.No. 45962

W.P.(MD) No.2498 of 2011
31.01.2018

vsn
JM/GT/SAR 2/16.02.2018/2P/4C

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/