

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2019
CORAM
THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.886 of 2019

S.Vimala

...Petitioner

Vs

1.The State of Tamil Nadu
Rep by its Principal Secretary Home
Department Fort St.George Chennai-600 009

2.The Director General of Police
No.601 Dr.Radhakrishnan Salai Mylapore
Chennai-600 009

3.The Secretary,Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town,Chennai- 600 003

...Respondents

For Petitioner : Mr.Singaravelu, Senior Counsel
M/s.R.Jayaprakash

For Respondent : Mr.A.N.Thambidurai,
Special Govt.Pleader - for R1& R2
Mrs.C.N.G.Niraimathi,
Standing Counsel - for R3

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to place the petitioner in 2nd turn vacancy allotted for SC (Women) in Rotation for the post of Deputy Superintendent of Police Category-I of Class II of the Tamil Nadu Police Service 1998-99 and re-fix the seniority based on the recommendation of the 3rd respondent dated 28.11.2016 and also by considering the petitioners representation dated 05.10.2018.

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O R D E R

The petitioner is working as the Deputy Commissioner of Police, Intelligence Section, Chennai. She belongs to Scheduled Caste community and she falls under the category of SC (Women) for the purpose of reservation in the appointment. She is placed as the last person in the seniority list. It is claim of the petitioner that the candidate selected against the vacancy earmarked for SC(W) category has not joined duty and hence the

respondents ought to have accommodated the petitioner in that place as the petitioner also falls under SC (Women) category. The petitioner relies on Rule 22 of the Tamil Nadu State and Subordinate Service Rules and Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. So claiming, the petitioner has given a representation on 05.10.2018, requesting the first respondent to place the petitioner in the second turn of II rotation against the vacancy of SC (Women). The third respondent also sent a recommendation dated 27.11.2018 placing the petitioner in the second turn of II rotation and in the overall seniority the petitioner falls in third place. The grievance of the petitioner is that the first respondent, without taking into consideration of all these aspects of the matter, has passed order in G.O.(Ms) No.2342 dated 27.11.2018 by revising the seniority, based on the marks obtained in the qualifying examination. It is claimed that the said Government Order was passed pursuant to the order passed by this Court in W.A.No.871 of 2017, filed by one of the batchmates of the petitioner. Aggrieved by the said government order, the petitioner has filed the present writ petition seeking appropriate relief.

2. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the first and second respondents. Mrs.C.N.G.Niraimathi, learned Standing Counsel takes notice for the third respondent. Heard the learned counsel on either side and perused the materials placed on record.

3. In view of the limited relief sought for during arguments, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the concerned respondents to consider the representation of the petitioner and pass orders on the same within a particular time frame.

4. In the above circumstances, this writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 05.10.2018 in the light of the recommendation of the R3 dated 28.11.2016 and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

1.The Principal Secretary,
Home Department Fort St.George
Chennai-600 009

2.The Director General of Police
No.601 Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 009

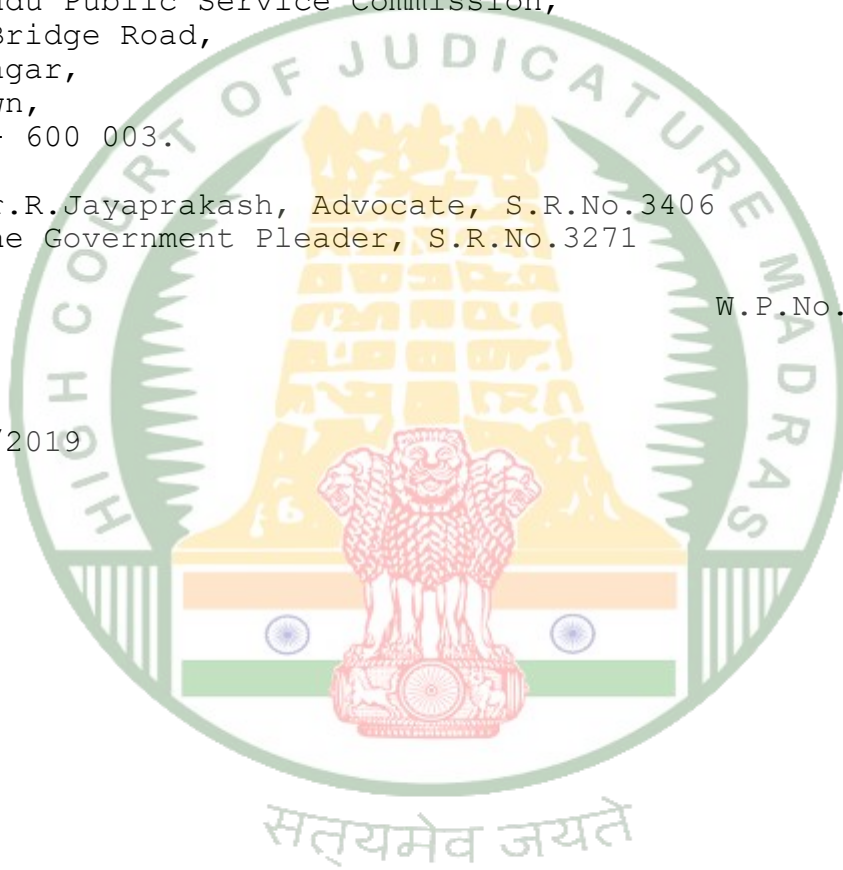
3.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town,
Chennai- 600 003.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.3406
+1cc to the Government Pleader, S.R.No.3271

W.P.No.886 of 2019

KJI (CO)

rrs 21/01/2019



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