

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.No.937 of 2011
and M..P.No.1 of 2011

The Government of Tamilnadu
Rep. by its Secretary
Home Department,
Fort. St. George
Chennai 600 009

... Appellant/Respondent

-vs-

S. Jasmine

...Respondent /Petitioner

Writ Appeal filed under Clause 15 of Letter Patent, against the order dated 13.07.2009 made in W.P. No.6941 of 2008 on the file of this Hon'ble Court.

Prayer in WP.No.6941 of 2008: O.A. No. 3930 of 2008 on the file of the Tamil Nadu Administrative Tribunal to direct the respondent to appoint the applicant/petitioner as Deputy Superintendent of Police (Category I) for Anti Dowry Cell in pursuance of the order of selection dated 26.10.1998 in Memorandum No. 2638/DSP-A4/95 issued by the Tamil Nadu Public Service Commission.

For Appellant : Mr.V. Jayaprakash Narayanan,
Government Pleader.

For Respondent : No appearance.

JUDGMENT

(Judgment of the Court was made by The Hon'ble Acting Chief Justice)

This Intra-Court appeal has been filed against the order passed by the learned Single Judge, dated 13.07.2009, passed in W.P.No.6941 of 2008, filed by the respondent, S.Jasmine, against

the Government of Tamil Nadu, regarding selection by the Tamilnadu Public Service Commission, for the post of Deputy Superintendent of Police, Category-I, for Anti Dowry Cell in pursuance to the notification dated 26.10.1998 in Memorandum No.2638/DSP/A4/95. The direction issued by the learned Single Judge, which are assailed in the present writ appeal, are quoted below for ready reference:

"The Writ Petition is allowed and the respondent is directed to issue appointment order to the petitioner in pursuance of her selection for appointment to the post of Women Deputy Superintendent of Police (Anti-Dowry Cell) by proceeding dated 26.10.1998 within a period of 4 weeks from the date of receipt of a copy of this order".

2. The learned Government Pleader submitted that the learned Single Judge could not have straight away issued a direction to issue appointment order in favour of the respondent/petitioner and at best, a direction to consider the candidature for the post of Deputy Superintendent of Police (Anti Dowry Cell), could have been issued by the learned Single Judge.

3. None has appeared on behalf of the respondent despite service.

4. After hearing the learned counsel for the appellant State, we find considerable force in the said submission. After a long lapse of period of about 20 years, the respondent who has not represented before this Court, may not be interested in the same appointment by now. We are of the considered opinion that the learned Single Judge could not have directed the appellant state to straight away issue appointment order and ought to have left free the appellant State to consider the case of the respondent, even if the learned Single Judge found it fit for consideration. Accordingly, we modify the direction of the learned Single Judge to the effect that the appellant State may consider the case of the respondent for appointment in the said post. If the respondent is still interested in the same job and other conditions for seeking such appointment are fulfilled by her, she may approach the appellant State for needful consideration.

5. The Writ Appeal is accordingly disposed of. No costs. Consequently, M.P.No.1 of 2011 is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

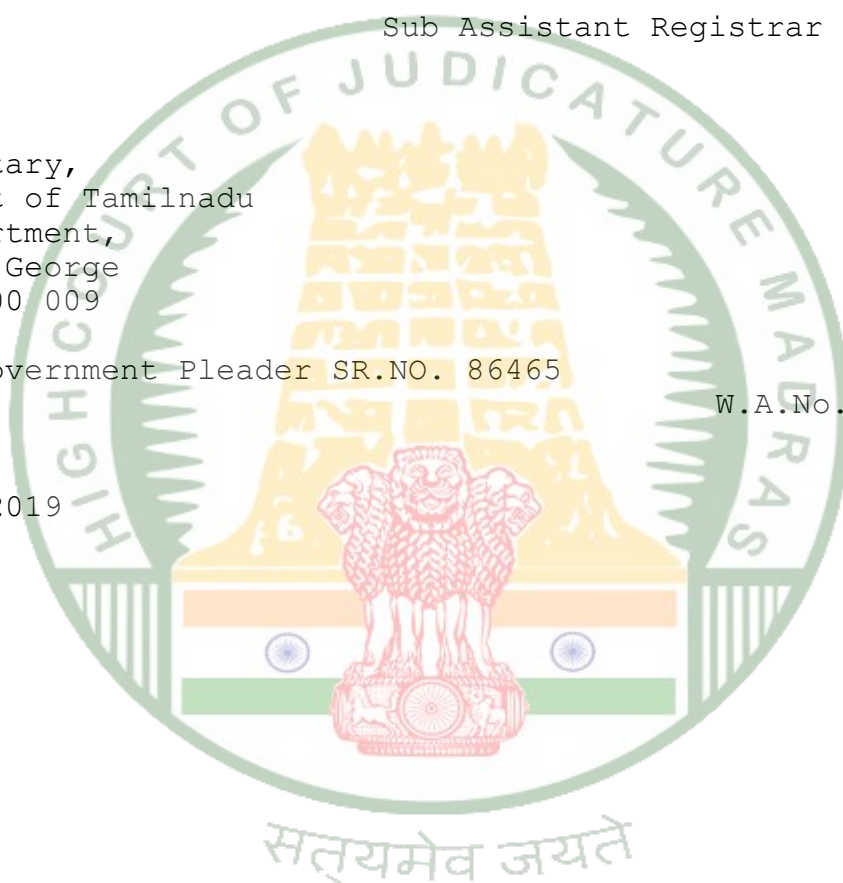
TO:

The Secretary,
Government of Tamilnadu
Home Department,
Fort. St. George
Chennai 600 009

+1cc to Government Pleader SR.NO. 86465

W.A.No.937 of 2011

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