

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-03-2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 8735 of 2019

Natarajan

... Petitioner

Vs

1. The Director General of Police,
Government of Tamil Nadu,
Mylapore,
Chennai - 600 004.
2. The Additional Director General of Police,
Thiruchirapalli Range,
Tiruchy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct respondents to consider the representation of the petitioner dated 30.01.2019 in accordance with law and appointing the petitioner as BRASS BAND (or) PIPE BAND Police Constable on humane consideration to secure the ends of Justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.N.ThambiDurai
Special Government Pleader

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner on 30.01.2019 in accordance with law and appointing the petitioner as Brass Band Police Constable on humane consideration.

2. The learned counsel for the writ petitioner states that the writ petitioner is a B.Sc. Graduate and his father is a retired Constable. The writ petitioner participated in the process of selection for appointment to the post of Grade - II Police Constable and he was not selected during the physical verification test. The writ petitioner submitted an application

to the respondents stating that his case can be considered for appointment to the post of Brass Band or Pipe Band as he is well versed in playing brass band or Pipe band.

3. This Court is of the opinion that the very relief as such sought for in the present writ petition is misconceived and the appointments are to be done strictly in accordance with the Recruitment Rules in force. Mere acquisition of qualification or participation in the selection process would not confer any right on the candidate to seek appointment by representation. If at all, the writ petitioner want to secure the post of Brass Band or Pipe Band Police Constable, he has to participate in the process of selection and only in the event of selection he can be appointed and not otherwise.

4. This being the principles to be followed, appointment cannot be sought for by merely submitting a representation to the respondents, nor the writ proceedings can be entertained to give a direction to such authorities to consider the representation. It is precondition that the person approaching should establish a legal right. In the present case on hand, the writ petitioner has not established even semblance of legal right, so as to consider the relief as such sought for in the present writ petition stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmm/ssb

To

1. The Director General of Police,
Government of Tamil Nadu,
Mylapore,
Chennai - 600 004.

2. The Additional Director General of Police,
Thiruchirapalli Range,
Tirchy District.

+1 CC to Govt. Pleader sr 30997.

+1 CC to Mr.R.Sankarasubbu, Advocate sr 30689.

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SKV(CO)
SP(29/05/2019)