

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2019

Coram

The Hon'ble Mr. Justice M.M. Sundresh
and
The Hon'ble Mr. Justice Krishnan Ramasamy

Writ Appeal Nos. 1252 to 1258 and 1550 of 2016
and

C.M.P.No. 19035 of 2016

&

C.M.P.Nos. 16158 to 16170 of 2016

&

C.M.P.No. 908 of 2018

1. The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai - 9.

2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.

3. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Chennai.

... Appellants in all W.A.No. 1252 of 2016
TO 1258/16 and 1550/16

Vs.

M. SHANMUGASUNDARAM

U. THANASEELAN

R. NEDUMARAN

R. SHANMUGARAJ

R. KARUNAKARAN

B. R. RAJA

A. JEYAPALAN

S. SELVANAYAGAM

... RESPONDENT IN W.A.NO. 1252 OF 2016

... RESPONDENT IN WA NO. 1253 OF 2016

... RESPONDENT IN WA NO. 1254 OF 2016

... RESPONDENT IN WA NO. 1255 OF 2016

... RESPONDENT IN WA NO. 1256 OF 2016

... RESPONDENT IN WA NO. 1257 OF 2016

... RESPONDENT IN WA NO. 1258 OF 2016

.. RESPONDENT IN WA NO. 1550 OF 2016

Writ Appeal filed under clause 15 of the Letters
Patent against the common order dated 27.01.2016 made in
W.P.No. 16662 of 2014, and a batch of 133 cases on the file
of this Court.

(1) WP (MD) No.16662 of 2014 and a batch of 133 cases (in WA.1252/2016);

(2) WP (MD) No.16663 of 2014 and a batch of 133 cases (in WA.1253/2016);

(3) WP (MD) No.16686 of 2014 and a batch of 133 cases (in WA.1254/2016);

(4) WP (MD) No.16692 of 2014 and a batch of 133 cases (in WA.1255/2016);

(5) WP (MD) No.16694 of 2014 and a batch of 133 cases (in WA.1256/2016);

(6) WP No.28223 of 2014 and a batch of 133 cases (in WA.1257/2016);

(7) WP (MD) No.31005 of 2014 and a batch of 133 cases (in WA.1258/2016);

(8) (7) WP (MD) No.16668 of 2014 and a batch of 133 cases (in WA.1550/2016);

For Appellants : M/s.Narmadha Sampath,
in all W.As Additional Advocate General,
assisted by Mr.V.Kathirvelu,
Special Government Pleader

For Respondent in : Mr.Venkataramani, Senior Counsel
W.A.Nos.1550 of 2016 and for Mr.M.Muthappan
W.A.Nos.1252

For Respondent in : Mr. P.Wilson, Sr.C
W.A.Nos.1254 & 1255 of 2016 for Mr.Richardson Wilson

For Respondent in : No appearance
W.A.No.1253 of 2016

For Respondent in : Mr.A.EdwinPrabakar
W.A.Nos.1256 of 2016

For Respondent in : Mr.P.Gurunathan
W.A.No.1257 of 2016 for Mr.R.Balakumar

For Respondent in : Mr.P.I.Thirumoorthy
W.A.No.1258 of 2016

COMMON JUDGEMENT

(Order of the Court was delivered by M.M.Sundresh, J,)

These Writ Appeals have been filed challenging the common order of the learned Single Judge passed in a batch of Writ Petitions, inter alia, contending that eight private respondents do not come within the purview of the cut-off marks, as noted in para No.32 of the order passed.

2. Incidentally, the learned Additional Advocate General appearing for the appellants relies on clause vii) of para No.81 of the impugned order, which is extracted hereinbelow:-

"The writ petitioners in respect of category I and II (except W.P.No.29805 of 2015 and W.P.(MD) No.20148 of 2014) are allowed and the respondents are directed to give appointment to the petitioners as Sub-Inspectors of Police, subject to being declared fit after usual medical examination and suitable after police verification as to their antecedents"

3. We are afraid that, if that is a case, then, these appeals are not maintainable and liable to be dismissed. It appears that as against other candidates, who, even according to the appellants are qualified, having scored marks above the cut-off marks fixed, the order of the learned Single Judge has been complied with. The only reason why these Appeals are filed is on the ground that the private respondents do not come within the purview of cut off marks, which has been taken note of by the learned Single Judge. This issue was never raised before the learned Single Judge, which submission is made with respect to the implementation of the order, as the appellants understood. In such view of the matter, we are of the view that these Writ Appeals are not maintainable as stated supra, and therefore, the only remedy available to them is to file the Review Application.

4. In view of the submissions made by the learned Additional Advocate General for the appellants and taking note of the contentious issues of fact being involved, as could be seen from the arguments of the learned counsel appearing for the private respondents and with an objective to resolve the said dispute, we are permitting the appellants to file such application, if they are

desirous to do so within a period of four weeks from the date of receipt of copy of this judgement. As and when the such Applications are filed, Registry shall number the same without rejecting it on the ground of limitation. It is needless to say, all the issues are left open to be placed before the learned Single Judge for adjudication.

5. With the above directions, all the Writ Appeals are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

mfa/sd

To

1.The Secretary to Government,
Home (Police II) Department,
Fort St.George,
Chennai -9.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai -4.

3.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Chennai.

+1cc to Mr.V.Kathirvelu , Advocate SR.No. 6167

+2cc to Mr.A.EdwinPrabakar , Advocate SR.No. 5474

+3cc to Mr. R.Balakumar, Advocate SR.No. 5598

+1cc to Mr. M.Muthappan, Advocate SR.No. 6420

+1cc to Mr. Richardson Wilson, Advocate SR.No. 5600

+1cc to Mr. P.I.Thirumoorthy , Advocate SR.No. 5774

Writ Appeal Nos.1252 to 1258 of 2016
&

W.A.No. 1550 of 2016

A.SK(07/02/2019)