

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 12.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.20318 of 2019

M.Senthil Kumar

...Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, 132,
EVK Sampath Road, Vepery,
Chennai - 600 007.

2.The Deputy Commissioner of Police (Admn),
Office of Commissioner of Police, Greater Chennai,
132, EVK Sampath Road, Vepery,
Chennai - 600 007.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the first respondent to consider the representation submitted by the petitioner dated 05.12.2018 in the light of the orders issued by the Court of the Judicial Magistrate, Alandur dated 02.04.2014 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.J.Pothiraj, Spl.G.P.

ORDER

The writ petition has been filed seeking direction to the first respondent to consider the representation submitted by the petitioner on 05.12.2008.

2.According to the petitioner, he has submitted his application for appointment to the post of Brigadier in the Tamil Nadu Special Police Battalion for the year 2013-14. He was called for entrance examination on 07.01.2014 and according to him, he was successful in the examination. Subsequently, it appears that he was subjected to Medical Fitness Test and also

certificate verification was done on 22.01.2014. Subsequently, the Deputy Commissioner of Police issued provisional selection order in his letter dated 01.02.2014 and directed the petitioner to join training on 12.02.2014. At that time, when he reported for training, he was informed that he was having a pending Criminal case against him in St.Thomas Mount Police Station in Cr.No.145/2012, which fact was not disclosed in the application and therefore, his selection and appointment was refused.

3.In the above background, the petitioner appears to have submitted a representation in 2018. There is absolutely no explanation in the entire affidavit filed in support of the writ petition as to why the petitioner has kept quiet since 2014 till 2019 and has leisurely approached this Court now. Obviously the selection, which took place in 2014, would have completed by this time, and the persons selected would have been appointed and serving the Department. The petitioner having slept over his right for 5 years, cannot seek to revive his claim by submitting a seemingly innocuous representation on 05.12.2018 and seek direction from this Court to dispose of the same. Such attempt by the petitioner ought to be discouraged, as otherwise, the stale claims of this nature would get revived. If a direction is issued and any order is passed that would probably give another round of litigation before this Court.

4.In such circumstances, this Court is of the view that the writ petition ought not to be entertained in regard to such stale claims and therefore, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

msk/mrm

To

WEB COPY

1.The Commissioner of Police,
Greater Chennai, 132,
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Office of Commissioner of Police, Greater Chennai,
132, EVK Sampath Road, Vepery,
Chennai - 600 007.

+1cc to Mr.T.Ranganathan, Advocate Sr.59050
+1cc to the Government Pleader Sr.59735

W.P.No.20318 of 2019

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srg 21/08/2019



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