

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.03.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No. 10822 of 2015**
and M.P (MD) No. 1 of 2015

C. Saraswathi

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.2. The Superintendent of Police,
Thoothukudi District, Thoothukudi.3. The Chairman/Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the third respondent to consider the petitioner's candidature to the post of Sub-Inspector of Police for the year 2015 under in-service category.

For Petitioner : Mr. V. Rajkumar

For Respondents : Mrs. S. Angappan,
Government Advocate.**ORDER**

The petitioner seeking a direction to the third respondent to consider her candidature to the post of Sub-Inspector of Police for the year 2015 under in-service category.

2. According to the petitioner, she applied for the post in question well within the time limit, but her application was not processed by the respondents, due to which her candidature was not considered. Hence, this Writ Petition.

3. The first respondent filed a counter-affidavit to the effect that proper opportunity had already been granted to the petitioner and no objection certificate and medical board intimation having communicated to the petitioner, she failed to comply with the same



well within the time limit and the counter-affidavit reads as follows:-

"For causing service of the above no objection certificate, Armed Reserve duty Sub-Inspector of Police Tr.Mummoorthy contacted the petitioner over CUG phone number on several time. But, her phone seems to be switched off. Immediately, duty Sub-Inspector of Police Tr.Mummoorthy deputed Sub-Inspector of Police Tr.Balasubramanian, W.Gr.I PC 1947 Tmt.Pepsi Suganthi Selvakumari, W.Gr.I 23 Tmt. Sudha and line orderly Gr.I PC 1515 Tr.Edwin Jose for causing service of the above no objection certificate on the petitioner who was allotted B1-5 Police quarters at Armed Reverse Premises. But, petitioner was not available in the Police quarters it was found to be locked. On the next day 10.03.2015 at 06.20 hrs Sub-Inspector of Police, Armed Reserve Thiru.Dattis Joyson, W.Gr.I PC 1947 Tmt.Pepsi Suganthi Selvakumari, W.PC 362 Tmt.Suja were deputed to the native place of the petitioner's husband and enquired at his residence which is situated opposite to Vinoth Hospital, Railway Station Road, Marthandam, Kanniyakumari District for causing service of the above no objection certificate and Medical Board intimation. But, the petitioner was not available in the said address also. On enquiry it is learnt from the applicant's mother-in-law and brother-in-law that, the petitioner along with her husband and two children were residing in Police quarters at Nagercoil and her children are studying in Nagercoil. Again, at 09.30 hrs on 10.03.2015, Police personnel were deputed to the Police quarters for causing service of the above no objection certificate and Medical Board intimation. But, the petitioner was not available and the Police quarters allotted to her was found to be locked. Her whereabouts were also not known. On the above circumstances, in view of urgency the above no objection certificate and Medical Board intimation were served on 10.03.2015 by pasting on the front door of the Police quarters allotted to the petitioner in the presence of Tr.Satheesh Kumar, Village Administrative Officer, Nagercoil. Then petitioner appeared before the duty Sub-Inspector of Police, Armed Reserve on 11.03.2015 at 06.00 hrs and received the above no objection certificate and Medical Board intimation under proper acknowledgement. Documentary evidences such as Special reports of the above Police personnel who were deputed for causing service of the above no objection certificate and Medical Board intimation and the report of the duty Sub-Inspector of Police, Armed reserve etc., establish about her absence at her residence in B1-5 Police Quarters and also at her native beyond any doubt. It is pertinent to state that due to the



irresponsible activities and negligence of the petitioner, she herself missed the opportunity from applying for the post of Sub-Inspector of Police which was fixed as 10.03.2015 17.00 hrs as a last date and also failed to attend the Medical Board for examination. Hence, there is no denial of Constitution rights under Article 14 and 16 of the Constitution of India in the part of the first respondent."

4. In view of the above averments made in the counter-affidavit, this Court is of the opinion that the first respondent, after providing sufficient opportunity to the petitioner, which she failed to avail, has not considered the case of the petitioner for the post of Sub-Inspector of Police for the year 2015 under in-service category. Hence, there is no merit in this Writ Petition and the same is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.

2. The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3. The Chairman/Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.

+1 cc to Mr. K. Rajkumar, Advocate SR.No.57481

+1 cc to The Special Government Pleader Sr.No.57469

PS

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KM/ (06.05.2019) 3P 6C