



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.11934 of 2019 and

WMP(MD).Nos.9619, 9620, 9024 and 9025 of 2019

WEB COPY

M. Pandiselvi

... Petitioner

Vs.

1.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Chennai - 600 008.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
Pudukkottai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 29.04.2019 in Na.Ka.No.A2/9587/2018 passed by the third respondent and quash the same as illegal and in consequences thereof permit the petitioner to attend the test for the post of Sub Inspector of Police, in pursuance of the Notification No.2/2019, dated 08.03.2019, issued by the first respondent.

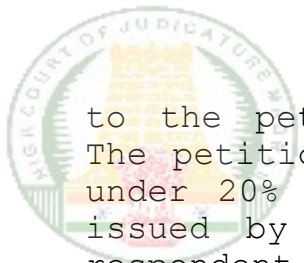
For Petitioner : Mr. P. Ganapathi Subramanian

For Respondents : Mr. C. M. Marichellaiah Prabhu
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order, dated 29.04.2019 passed by the third respondent in Na.Ka.No. A2/ 9587/2018 and in consequence, thereof to permit the petitioner to attend the test for the post of Sub Inspector of Police, in pursuance of the Notification No.2/2019, dated 08.03.2019, issued by the first respondent.

2. According to the petitioner, she was appointed as Women Grade - II Police Constable on 15.02.2005 and she ought to have been promoted as Grade - I Police Constable with effect from 01.03.2015, but due to the currency of punishment in P.R.12/2014, u/r. 3(a) dated 16.04.2014, she was promoted on 01.01.2016. By the P.R.No.12/2014, punishment of postponement of next increment for year with cumulative effect was awarded on 16.04.2014. According



to the petitioner, the currency of punishment was already over. The petitioner has applied for the post of Sub Inspector of Police under 20% of Department quota candidates, as per the notification issued by the first respondent, dated 08.03.2019. The first respondent called for direct recruitment to the post of Sub Inspector of Police, for the year 2019 and in that various factor has also been issued by the respondent. Based on the aforesaid notification, the petitioner has submitted an application to the first respondent, wherein, the first respondent has insisted the petitioner to obtain No Objection Certificate for the written test. But, the third respondent has rejected the request the petitioner by the impugned order, dated 29.04.2019, on the ground that punishment was given to her. Challenging the aforesaid order, the present Writ Petition has been filed.

3. The third respondent has filed a detailed counter affidavit , wherein, it has been stated that the postponement of next increment for one year without cumulative effect by the 3rd respondent / Superintendent of Police, Pudukottai District, dated 16.04.2014, they have considered the punishment provisionally awarded to the criteria fixed by the Tamil Nadu Uniformed Services Recruitment Board Notification No. 2 of 2019, dated 08.03.2019. In the information Brochure page No.10 in Paragraph No.16 and the fax message issued by the Inspector General of Police, Tamil Nadu Uniformed Service Recruitment Board issued a fax message vide R2/860/2019 to the 3rd respondent, the 3rd respondent issued an endorsement to the Writ Petitioner as "No Objection Certificate" could not be granted for the above reasons in Na.Ka.No.A2/9587/2018.

4. Further, the learned Additional Government Pleader appearing for the respondents submitted before this Court that the petitioner has applied for Direct Recruitment to the post of Sub Inspector of Police. As per the eligibility criteria, the Petitioner has to obtain "No Objection Certificate" from the respondent Department for applying for the aforesaid post of Sub Inspector of Police, wherein the third respondent has refused to grant "No Objection Certificate" to her, because, she had already suffered a major punishment of stoppage of increment without cumulative effect for the period of one year. Further, he has also relied on the order passed by this Court in WP(MD).Nos. 3328 of 2015 etc., and batch dated 09.12.2015, wherein this Court has held that the petitioners are not eligible to participate in the selection process of the Sub Inspector of Police, in the light of Clause of 6 (i)(b) of the Notification. The learned Additional Government Pleader has also relied on the order passed by this Court in ***WP (MD) . No. 20464 of 2018, dated 27.09.2018 in the case of (R. Alexander Vs. The Member Secretary, Tamil Nadu Uniformed Service Recruitment Board, Chennai - 600 008)***, wherein, at para No.5 it has been held as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



"5. It is not in dispute that the petitioner has applied for the post of Sub-Inspector of Police (Finger Print) 2018, in the 20% reservation quota, which is meant for departmental candidates. In terms of the instruction for considering the case of the departmental candidates for selection, the candidates must have clean records other than the minor punishments of black mark, reprimand and censure. Admittedly, the petitioner has suffered two punishments viz., postponement of increment for one year without cumulative effect by orders, dated 17.02.2015 and 06.10.2016, which was also admitted by the petitioner and that being the case, the petitioner will not be entitled to the relief sought for."

5. Considering the submissions made by the learned counsel appearing on either side and also considering the orders passed by this Court in the same set of facts, this Court is of the view that, there is no reason to interfere with the impugned order, passed by the third respondent in Na.Ka.No. A2/ 9587/2018, dated 29.04.2019.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

1.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Chennai - 600 008.

2.The Director General of Police, Chennai.

3.The Superintendent of Police, Pudukkottai.

+1 CC to SPL GP SR-80255.

+1 CC to Mr.P.GANAPATHI SUBRAMANIAN, Advocate SR-80798.

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CS (30.09.2019) 3P 6C