

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2020

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THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.343 of 2020
and
W.M.P.No.393 of 2020

N.Chithra Devi

... Petitioner

Vs

1.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

2.The Chairman,
The Tamilnadu Uniformed Services
Recruitment Board,
Old COP Office Campus,
Pantheon Road,
Egmore, Chennai 600 008.

3.The Commissioner of Police,
Police Commissioner Office,
Coimbatore City 641 018.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to permit the petitioner to write the departmental examination on 11.01.2020, by accepted the application No.USB007634 submitted online to the second respondent for the post of Sub-Inspector bearing Notification No.2/2019 dated 08.03.2019 as requested in the representation dated 04.01.2020.

For Petitioner : Mr.K.Gangadaran

For Respondent 1 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For Respondents 2&3: Mrs.Narmadha Sampath
Additional Advocate General
Assisted by Mr.V.Kadhirvel

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the respondents to permit the petitioner to write the departmental examination for the post of Sub Inspector, pursuant to the notification issued by the respondents on 08.03.2019.

2. Heard Mr.K.Gangadaran, learned counsel appearing on behalf of the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the first respondent and Mrs.Narmatha Sampath, learned Additional Advocate General, appearing on behalf of the second and third respondents.

3. Admittedly, in this case, the petitioner has not even submitted the application or obtained No Objection Certificate from her employer. That apart, the petitioner has suffered punishment of reduction of pay by one stage for one year from 03.02.2012. This Court had an occasion to consider the effect of such a punishment and whether such a candidate can proceed in the selection under the departmental quota in W.P.No.13831 of 2019. The relevant portions of the said order is extracted hereunder:

"9. It is an admitted case that the petitioner had suffered a punishment of postponement of increment for one year without cumulative effect. This punishment was imposed by the Deputy Inspector General, Thirunelveli Range by his proceedings dated 05.07.2013. It is also an admitted fact that the Special Rules under the Tamil Nadu Police Subordinate Service Rules was amended by virtue of G.O.Ms.No.168 dated 02.03.2017 and it will be relevant to extract the amendment that was brought into effect by this Government Order.

सत्यमेव जयते

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"Category 2 Sub Inspector of Police	Must have completed the age of 20 years and must not have completed the age of 28 years: Provided that for appointment of a candidate who is a member of Scheduled Castes or Scheduled Tribes, the upper age limit shall be 33 years. Provided further that for appointment of a candidate who is a member of Backward Classes or Most Backward Classes or Denotified communities, the upper age limit shall be 30 years. Provided also that for appointment of a candidate who is a Destitute Widow, the upper age limit shall be 35 years	(1) (i) Must possess a Degree from any University or Institution recognised by the University Grants Commission. (ii) Must have the ability to read and write any one of the following languages, namely, Tamil, Telugu, Malayalam, Kannada or Hindustani. (2) The Departmental quota candidates must possess:- (i) a Degree from any University or Institution recognised by the University Grants Commission. (ii) five years of service in their respective categories as on 1st July preceding the date of Notification of selection and (iii) a clean record of service without any punishment other than the minor punishment of Black Mark, Reprimand and/or Censure.
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10. It is clear from the above amendment that a candidate who is aspiring to participate under the Department Quota in the selection, must have a clean record of service without any punishment. The only exception that has been given under the Rule is that the minor punishment of Black Mark, Reprimand and/or Censure, are not considered to be disqualifications. It is clear from the Rule that apart from these

three punishments which have been enlisted, a candidate who has suffered any other punishment is disqualified from participating in the appointment and such punishments are construed to the effect that the candidate does not possess a clean record of service.

11. As rightly pointed out by the learned Additional Advocate General appearing on behalf of the respondents, the police service requires such stringent qualifications to be prescribed in order to ensure that only those departmental candidates possessing clean records are permitted to participate in the Direct Recruitment. The same has also been made clear by the judgments relied upon by the learned Additional Advocate General in this regard."

4. It is clear from the above that the petitioner cannot participate in the selection since she suffers from disqualification that has been mentioned in the rules. Therefore, this Court does not find any ground to entertain this Writ Petition and accordingly the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

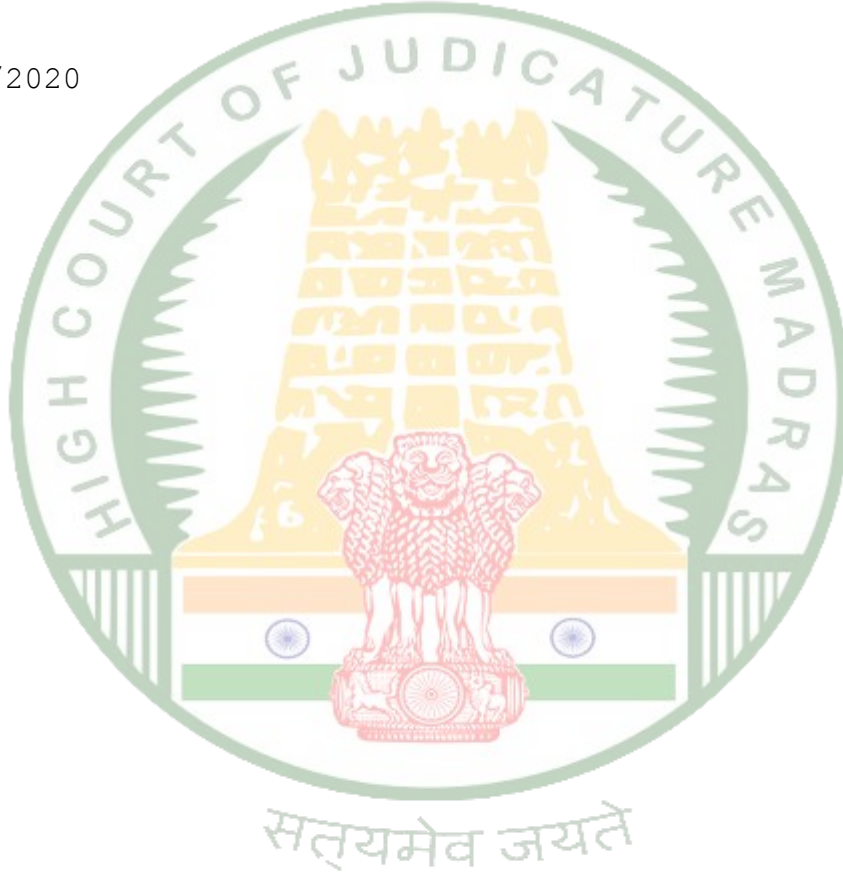
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+1cc to the Government Pleader Sr.2741

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srg 21/02/2020



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