



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 32673 of 2016

K.Rohini

..Petitioner

Vs

1.The Commissioner of Police,
Vepery, Chennai-600007

2. The Director General of Police,
Mylapore, Chennai -600004.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to send the petitioners the service Book to the 2nd respondent along with his remarks for onward transmission to the Secretary, Tamil Nadu Legislative Assembly Department, Chennai-600009 by the 2nd Respondents within a stipulated time.

For Petitioner : M/s.R.Mahalingam

For Respondents : Mr.S.Thangavel, Spl.GP

O R D E R

The prayer sought for in the Writ Petition is to direct the 1st respondent to send the service Book to the 2nd respondent along with his remarks for onward transmission to the Secretary, Tamil Nadu Legislative Assembly Department, Chennai-600009 within a stipulated time.

2 The Brief facts leading to the writ petition is that the writ petitioner while working as Sub Inspector of Police in Kanniyakumari District, has made a representation to the Superintendent of Police, Kanniyakumari District at Nagercoil for appointment to the post of English Report in the Tamil Nadu Secretariat Service by way of transfer of service from the police department on the ground of health condition. Even though the writ petitioner has fully qualified for the said post, the respondent has not forward the writ petitioner's service register to the 2nd respondent along with the remarks. Hence this writ petition.



3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the documents available on record.

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4. The learned counsel for the writ petitioner submitted that the writ petitioner possesses more than the prescribed qualification for the above said post and due to her health conditions, she opted for the aforesaid post. Further, no adverse remarks and disciplinary proceedings are pending against the writ petitioner during her career. The learned counsel appearing for the petitioner further submitted that on perusal of the petitioner's representation by the Secretary, Tamil Nadu Legislative Assembly, the 1st respondent was requested to send her service book along with recommendations as early as in January 2016 itself. But till date, the same was not sent to the 2nd respondent. As there is no alternative, immediate and efficacious remedy, the petitioner has approached this Court by way of this writ petition.

5. Per contra, the learned Special Government Pleader further submitted that the Government, Tamil Nadu Legislative Assembly Secretariat has considered the representations submitted by the petitioner dated 15.12.2014 and 02.03.2015 and informed the petitioner vide Letter No. 15064/2014-1/LAs dated 11.03.2015 that there is no vacancy in the post of Tamil Reporter and for the post of English Reporter.

6. The learned Special Government Pleader further submitted that the application of the petitioner was considered by the 1st respondent and due to shortage of direct recruited Sub-Inspector of Police, the request of the petitioner was not recommended for the appointment of English Reporter in Tamil Nadu Legislative Assembly Secretariat. Further, the service book of the individual is not required to be sent to any other Department. A report has been sent to the Secretary, Tamil Nadu Legislative Assembly Secretariat, Chennai -9. The learned Special Government Pleader further submitted that the petitioner has not produced any medical records to prove her medical inability.

7. Considering the facts and circumstances of the case and considering the submissions made by the learned Special Government Pleader that the department has decided not to consider the request of the petitioner due to shortage of Sub Inspectors of Police in Chennai City Police and further considering the fact that the petitioner has failed to produce any medical records to substantiate her medical inability, this Court cannot consider the prayer as sought for by the writ petitioner.



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8. In the result, the writ petition is dismissed . No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Vepery,
Chennai-600007

2. The Director General of Police,
Mylapore,
Chennai -600004.

+1cc to Mr.R.Mahalingam, Advocate SR.No.16862

+1cc to Government Pleader, High Court, Madras SR.No.17222

W.P.No. 32673 of 2016

CA(CO)
GMY(10/07/2020)