



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.195 of 2020

and

W.M.P. (MD) Nos.124 and 125 of 2020

K.Ilamurugu

... Petitioner

vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008

2.The Director General of Police,
O/o the Director General of Police,
Chennai 600 004

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the rejection order issued by the 1st respondent in ID No.USR082415 dated 31.12.2019 and quash the same as illegal and consequently directing the respondents herein to issue Hall Ticket and allow the petitioner (ID No.USR082415) to write the written examination for the post of Sub Inspector of Police, Tamil Nadu Police Department on 12.01.2020.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mr.R.Sethuraman,
Special Government Pleader.



O R D E R

The petitioner's candidature was rejected on the ground that his education was not in stream, in accordance with the educational qualifications prescribed in the notification No.2 of 2019, dated 08.03.2019.

2. The petitioner herein, had completed his tenth standard and thereafter, had undergone one-year foundation course from Madurai Kamaraj University. The learned counsel for the petitioner would rely upon G.O.Ms.No.528, Personnel and Administrative Reforms(Per.R) Department, dated 18.05.1985 which came to be followed by the Division Bench of this Court in an order dated 14.07.2017 passed in W.A.(MD) No.253 of 2017 and stated that in view of G.O.Ms.No.528, which recognizes the pre-foundation course to be equivalent to Higher Secondary course, the petitioner is entitled to participate in the selection process.

3. After the decision of the Division Bench, dated 14.07.2017, the Government passed an order vide G.O.Ms.No.144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017, referring to G.O.Ms.No.528 and by overruling the same, held that as per the recommendations of the Equivalence Committee, pre-foundation and foundation course offered by various Universities in the State are not equivalent to S.S.L.C. and Higher Secondary course(+2) respectively. Hence, the reliance on G.O.Ms.No.528, Personnel and Administrative Reforms (Per.R) Department, dated 18.05.1985 as well as the earlier order passed by the Division Bench, dated 14.07.2017 may not have any relevance.

4. The learned counsel for the petitioner also relied upon the recent decision of this Court dated 03.10.2019 made in W.P.(MD) Nos.20273 and 20274 of 2017, as well as order passed in W.P.(MD) No.12309 of 2014 dated 17.07.2018 and submitted that this Court had placed reliance on G.O.Ms.No.528, Personnel and Administrative Reforms(Per.R) Department, dated 18.05.1985 and had allowed the writ petition.

5. A perusal of the said order reveals that, the subsequent Government Order passed in G.O.Ms.No.144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017 was not brought to the notice of the learned Single Judge and therefore, the order seems to have been passed. Hence, in view of the present G.O.Ms.No.144, Personnel and Administrative Reforms (M) Department dated 20.11.2017, I do not find any reason to entertain the prayer sought for in the present writ petition.



6. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Member Secretary,
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Chennai 600 008
- 2.The Director General of Police,
O/o the Director General of Police,
Chennai 600 004
- 3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

Order made in
W.P. (MD) No.195 of 2020

NA (CO)

TR(05.02.2020) 3P 4C