

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Fifteenth day of June Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

and

THE HON`BLE MR.JUSTICE C.SARAVANAN

CMP.No.10554 of 2020

in WA.No.3179 of 2019

S.MANDHAN KUMAR

[PETITIONER]

Vs

1 STATE OF TAMIL NADU

[RESPONDENTS]

REP BY ITS SECRETARY HOME (POLICE -III),
DEPARTMENT SECRETARIAT CHENNAI -09

2 THE DIRECTOR GENERAL OF POLICE,
DR.RADHAKRISHNAN SALAI, MYLAPORE, CHENNAI-04

3 THE PRINCIPAL POLICE TRAINING
SCHOOL COMMANDANT, TSP II BATTALION AVADI,
CHENNAI-54

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the order dt 31/07/2020 passed in WA.No.3179/2019 by giving liberty to the petitioner herein/respondent in WA.No.3179/2019 to apply for the post of Grade -II Police Constable for the year 2020 as per advertisement number 1/2020 dt 17/09/2020 issued by TNUSRB (Tamil Nadu Uniform Services Recruitment Board) with a further direction to the appellants in WA.No.3179/2019 to process his application without taking into account the maximum age restriction as regards the petitioners application for the above post for the year 2020(in CMP.No.10554/2021)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.RAVI ANANTHA PADMANABAN, Advocate for the petitioner and of M/S.R.NEELAKANDAN, Government Pleader for the 1 to 3 respondents the court made the following order:-

(Order of the Court was delivered by **C.SARAVANAN, J.**)

This Modification Petition has been filed for a modification of the order dated 31.07.2020 passed in W.A.No.3179 of 2019 by giving liberty to the petitioner herein / respondent in W.A.No.3179 of 2019 to apply for the post of Grade-II Police Constable for the year 2020 as per advertisement number 1/2020 dated 17.09.2020 issued by TNUSRB (Tamil Nadu Uniform Services Recruitment Board) with a further direction to the appellants in W.A.No.3179 of 2019 to process his application without taking into account the maximum age restriction as regards the petitioner's application for the above post for the year 2020.

2. By an order dated 31.07.2020, we had allowed the Writ Appeal filed by the respondents in the light of the decision of the Hon'ble Supreme Court in **Director-General of Police and Another Vs. M.Jeyanthi**, 2019 SCC OnLine SC 1645.

3. The petitioner has filed this Civil Miscellaneous Petition for a modification and has prayed for relaxation of age as the petitioner has reached the maximum age prescribed for the post of Grade-II Police Constable. It is submitted that since the petitioner had succeeded in W.P.No.14253 of 2018 which order was impugned before us in the above appeal, he did not participate in the subsequent recruitments announced by the Government and was waiting to be absorbed by the respondents. It is submitted that during the interregnum, the decision of the Hon'ble Supreme Court in **M.Jeyanthi** case referred to *supra* was pronounced and the above Writ Appeal was allowed by setting aside the order dated 03.12.2018 in W.P.No.14253 of 2018.

4. The petitioner is now aged about 31 years and has exceeded the maximum age of 29 years prescribed for the post of Grade-II Constable and therefore suffers from a disqualification under the Rules.

5. Considering the fact that the petitioner had succeeded in the Writ Petition before the learned Single Judge and the order in the said Writ Petition was set aside by us only on 31.07.2020 in view of the decision of the Hon'ble Supreme Court in **M.Jeyanthi** case referred to *supra*, we are of the view, to meet the ends of justice, it would be fair to allow the petitioner one opportunity to apply in the next recruitment that may be announced for the post of Grade II Police Constable by the respondents. Accordingly, paragraph No.29 of the order dated 31.07.2020 in W.A.No.3179 of 2019 is modified as follows:-

29. Under the circumstances, we are constrained to allow this Writ Appeal filed by the appellants. At the same time, liberty is given to the respondent to apply for the post of Grade - II Police Constable in the next recruitment that may be announced by the

appellants. Since the applications are to be applied on the web portal and the application to be filed by the respondent will get automatically rejected due to the age criteria prescribed for the post of Grade-II Police Constable in the web portal, the appellants are directed to accept the manual application of the petitioner.

Accordingly, this Writ Appeal stands allowed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

6. This Civil Miscellaneous Petition is ordered accordingly.

-sd/-

15/06/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY,
GOVERNMENT OF TAMIL NADU, HOME POLICE -III,
DEPARTMENT SECRETARIAT CHENNAI-09

2 THE DIRECTOR GENERAL OF POLICE,
DR. RADHAKRISHNAN SALAI, MYLAPORE CHENNAI-04

3 THE PRINCIPAL POLICE TRAINING
SCHOOL COMMANDANT, TSP II BATTALION AVADI,
CHENNAI-54

Order

in
CMP.10554/2020

in
WA.3179/2019

Date :15/06/2021

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