

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.25852 of 2017

& 31988 of 2018

K.Senthamarai Kannan ... Petitioner in W.P.No. 25852 of 2017

S.Malaravan ... Petitioner in W.P.No. 31988 of 2018

Vs.

1. The Secretary [Home - II] Police Department,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai - 600 004.
3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai - 600 002. ... Respondents in both
WPs

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct respondents to include the petitioners name in the list of Sub-Inspector of Police, selected for the year 1997-98 based on the representations dated 24.09.2014 and 27.03.2017.

For Petitioner : Mr.M.Selvam - in both WPs

For Respondents : Mr.P.Chinnadurai

in both WPs Additional Government Pleader - R1 & 2

Mr.V.Kathirvel,
Special Government Pleader-R3

COMMON ORDER

These writ petitions have been filed to seeking a direction to the respondents to include the name of the petitioners in the list of Sub-Inspector of Police selected for the year 1997-98 based on their representations dated 24.09.2014 and 27.03.2017.

2. According to the petitioners, they joined the uniformed service as Grade II Police Constable in the year 1988 and after undergoing training, they were appointed in Tamil Nadu Police in Armed Reserve Trichy. While so, on 26.03.1998, the third respondent issued a notification inviting applications from the eligible graduates for recruitment to the post of Sub Inspectors of Police for the year 1997-1998. Since the petitioners possessed the required qualification, they applied to the same under the 20% quota for the persons already in service. Though they secured higher marks, they were not selected, due to adoption of zone wise selection method. Since there was disparity in the selection process, the same was challenged by the aggrieved candidates from the Tribunal to Supreme Court. However, the case of the petitioners was not considered on merits, but was dismissed on delay and laches. Finding no other option, they submitted representations dated 24.09.2014 and 27.03.2017 to the respondents, requesting to include their names in the selected list for the year 1997-98 for appointment to the post of Sub Inspector of Police, which were not considered. Hence, these writ petitions.

3. Upon notice, the respondents filed a separate counter affidavits inter alia stating that since the petitioners have not secured the required cut off marks, they were not provisionally selected and the prayer made in these writ petitions is not maintainable.

4. The averments made in the counter affidavits have been seriously refuted by the learned counsel for the petitioners. According to him, the petitioners are entitled to be selected and appointed as Sub Inspectors and should have been granted seniority with effect from the same date on which the persons were originally selected and appointed in the year 1997. Hence, the learned counsel sought appropriate direction to the respondents to consider the representations submitted by the petitioners and pass orders, on merits, within a reasonable time to be fixed by this Court.

5. There is no serious objection on the side of the respondents for granting such relief to the petitioners.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the respective representations dated 24.09.2014 and 27.03.2017 made by the petitioners, if not already considered, taking into consideration all the orders passed in this subject matter by the Courts, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the

date of receipt of a copy of this order.

7. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

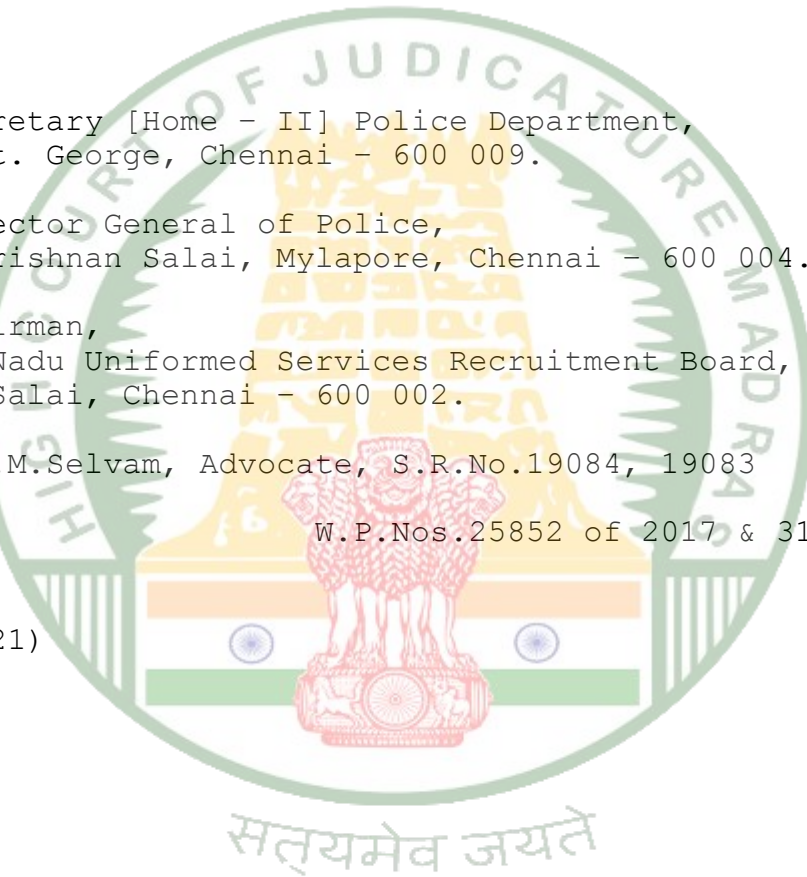
To

1. The Secretary [Home - II] Police Department,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai - 600 004.
3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai - 600 002.

+2cc to M/s.M.Selvam, Advocate, S.R.No.19084, 19083

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SR-II (CO)
SB(13/07/2021)



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