



WEB COPY

W.A.(MD) No.1487 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND**

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.1487 of 2021

in

W.P. (MD) No.3287 of 2020

J. Prabhu

.. Appellant /Writ Petitioner

Vs.

1. The Tamil Nadu Uniformed Services,
Recruitment Board,
Represented by its Chairman,
Having office at
Old Commissioner of Police Officer Campus,
Pantheon, Egmore,
Chennai - 600 008.

2. The Director General of Police (Law and Order),
O/o. Director General of Police,
Beach Road,
Chennai.

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

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 16.03.2021 passed in W.P.(MD).No.3287 of 2020 on the file of this Hon'ble Court.

Prayer in WP(MD). 3287/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India,praying this court for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent vide proceedings C.No.A3/35612/909/2018 dated 06.08.2019 and quash the same as illegal as devoid of merits and direct the 1st Respondent to consider the petitioner's candidature ship for the post of Grade II Police.

For Appellant	:	Mr. V. Muniasamy
For Respondents	:	Mr. Veera Kathiravan
		Senior Standing Counsel for Government
		For Mr. A.K. Manikkam
		Standing Counsel for Government
		For R1 to R3



JUDGMENT

[Judgment of the Court was made by
The Hon'ble Chief Justice]

The appeal is directed against an order dated March 16, 2021 passed on the petition under Article 226 of the Constitution filed by the appellant herein.

2. The order impugned records that the grievance of the appellant was pertaining to his non-selection to the State Police Service in the year 2012.

3. The order impugned noticed that more than eight years had elapsed since the recruitment process was undertaken and observed that the selected candidates had all completed their training and were in occupation of the posts. The Single Bench considered it inappropriate to consider the appellant's candidature in the year 2021 in respect of a selection process that took place in 2012.

4. The order impugned also records the appellant's submission that he had challenged the process by filing several previous petitions and it was a desperate attempt by a person who had been wronged. It is submitted on behalf of the appellant even at this stage that employment opportunities are so difficult to come by, that a petition bringing out a genuine grievance should not be thrown out on the ground of delay.

5. There is no doubt that the appellant herein had pursued his cause. There is at least one previous petition instituted by the appellant which was disposed of with a direction on the respondents to consider the appellant's candidature in the light of a Supreme Court judgment reported at (2016) 8 SCC 171 (*Avtar Singh v. Union of India*). It also appears that the matter was re-considered by the respondent authorities, but the appellant's plea to engage him was rejected.

6. The appellant is aggrieved that the Writ Court did not go into the merits of the matter and dismissed the petition merely on the ground of delay.

7. Ordinarily, the exercise of judicial review in this extraordinary jurisdiction does not permit matters of merit to be gone into. The assessment or adjudication which is undertaken has more to do with the decision-making process than the decision itself, unless the decision appears to be grossly unreasonable or completely disproportionate, whether one applies the *Wednesbury* test of yore or the modern doctrine of proportionality.



8. At any rate, delay is a crucial factor in matters of the present kind, whether or not such delay may have been as per the design of the litigant who approaches the Court or for reasons beyond such litigant's control. A recruitment process is required to be completed within a time-bound period. In this case, the recruitment process was of the year 2012. The Single Bench rightly observed that the training process had already been completed and persons were well entrenched in their positions of employment. In such circumstances, it would be unfair, unkind and even impermissible to dislodge a person in the year 2021 who had been given appointment in 2012 or 2013.

9. Since the order impugned dated March 16, 2021 has taken relevant considerations into account and has dealt with the ground of delay in adequate measure, the same cannot be flawed or interfered with.

10. W.A.(MD) No.1487 of 2021 is disposed of.

11. There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

To:

1. The Chairman, Tamil Nadu Uniformed Services,
Recruitment Board,
Having office at
Old Commissioner of Police Officer Campus,
Pantheon, Egmore, Chennai - 600 008.
2. The Director General of Police (Law and Order),
O/o. Director General of Police,
Beach Road, Chennai.
3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.GP (SR-24901[F] dated 02/08/2021)

W.A. (MD) No.1487 of 2021
29.07.2021

RK (06.08.2021) 3P 5C