



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. No.1301 OF 2022

G.Chandrasekaran

... Petitioner

Vs

1 The Additional Chief Secretary
Department of Home
Fort St.George
Secretariat Chennai-600 009.

2 The Chairman
Tamil Nadu Uniformed Services Recruitment Board
Old COP Office Campus Pantheon Road
Egmore, Chennai-600 004.

3 The Director General of Police
Dr.Radhakrishnan Salai Mylapore
Chennai-600 004.

4 The Superintendent of Police
Office of the Superintendent of Police
Nagapattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Respondents to appoint the petitioner as Grade-II Police Constable by considering the representation of the petitioner dated 02.09.2021.

For Petitioner ... Mr.P.Ganesan

For Respondents ... Mr.P.Kumaresan,
Additional Advocate General,
assisted by
Mr.G.Nanmaran,
Special Government Pleader,
for the second respondent

Mr.L.S.M.Hasan Fizal,
Additional Government Pleader
for respondents 1, 3 and 4



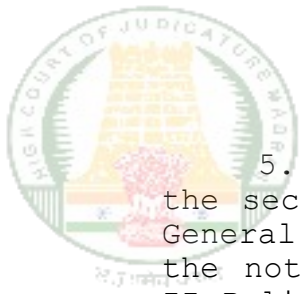
O R D E R

The case of the petitioner is that he was originally selected for appointment to the post of Grade II Police Constable in pursuance of the notification issued by the second respondent recruitment Board in the year 2010. However, the appointment order was not issued ultimately. He had participated in the subsequent notification issued in the year 2014 calling for applications for filling up the vacancies in the Tamil Nadu Special Police Youth Brigade. Even in that selection, the petitioner appeared to have come out successful. But once again, no appointment order was issued, despite his selection.

2. In the said circumstances, the petitioner appeared to have submitted a representation to the respondents on 10.10.2015 requesting them for issuance of an appointment order pursuant to his selection. Since no action was forthcoming, he was constrained to approach this Court in W.P.No.36912 of 2015 praying for the issuance of a Writ of Mandamus directing the respondents to appoint him as Grade II Constable. This Court, vide its order dated 23.11.2015, permitted the petitioner to represent to the competent authorities and the authorities were directed to dispose of the representation on merits and in accordance with law within a period of six weeks.

3. In pursuance of the above direction, the petitioner claimed to have submitted his representation and in response to the same, the fourth respondent herein had passed an order on 30.12.2015, rejecting the representation of the petitioner on the ground that there was a criminal case pending against the petitioner in PRC No.12 of 2015 on the file of the Judicial Magistrate, Vedaranyam. According to the petitioner, he was not involved in the criminal case and his name was actually removed from the array of accused. However, the case of the respondents was that the petitioner had not submitted any proof for such claim by him.

4. Subsequently, it appears that the criminal Court acquitted all the accused in the subject criminal case vide a common order dated 24.04.2018. According to the petitioner, he was not even included as an accused in the case, and in any event, since an order of acquittal had been handed out, the bar against him stood removed. Therefore, he renewed his request for issuance of appointment order once again, and recently submitted a representation to the third respondent on 02.09.2021. As there was no response to his representation, the petitioner is before this Court with a prayer for issuance of a Writ of Mandamus.



5. When the matter is taken up for hearing, on behalf of the second respondent, Mr.Kumaresan, learned Additional Advocate General appeared and submitted that this was a case relating to the notification of the year 2010 for the appointment of Grade II Police Constables and the subsequent notification of the year 2014, relating to the appointment in the vacancies in the Tamil Nadu Special Police Youth Brigade. The recruitment process had been completed long ago and all the vacancies which were notified under the notifications had been filled up that year itself. According to him, no cause of action arises for this Court to issue any direction to the respondents against the prayer sought for in the writ petition.

6. This Court is in agreement with the submissions made on behalf of the learned Additional Advocate General. The cause of action as per the averments contained in the affidavit filed in support of the writ petition arose in the years 2010 or 2014, as the case may be. The petitioner has not chosen to agitate his rights promptly when the causes of action arose in 2010 and 2014 but appears to have allowed the matter to languish for several years and approached this Court by filing writ petition in the year 2015 and even thereafter, he did not pursue the matter diligently.

7. In any case, in regard to the selection that has taken place in years 2010 and 2014, the petitioner, under no circumstances, can enforce his right at this distant point of time. Even the acquittal by the criminal court was of the year 2018 but the petitioner appeared to have submitted his latest representation only during September, 2021. The claim of the petitioner is thus stale and hopelessly time barred and hence, it cannot be entertained at this point of time.

8. Accordingly, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.1415 of 2022 is also dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

tar



To

1 The Additional Chief Secretary
Department of Home
Fort St.George
Secretariat, Chennai-600 009.

2 The Chairman
Tamil Nadu Uniformed Services Recruitment Board
Old COP Office Campus Pantheon Road
Egmore, Chennai-600 004.

3 The Director General of Police
Dr.Radhakrishnan Salai Mylapore
Chennai-600 004.

4 The Superintendent of Police
Office of the Superintendent of Police
Nagapattinam District.

+1cc to M/s.C.S.Associates, Advocate SR.No.6540

+1cc to Government Pleader SR.No.6879

W.P. No.1301 OF 2022

BS (CO)
GMY (22/02/2022)