



W.P.No.10439 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10439 of 2017
and W.M.P.No.11314 of 2017

P.Muthukumar

...Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Radhakrishnan Salai,
Chennai – 600 004.

2.The Additional Director General of Police (Administration),
Office of the Director General of Police,
Radhakrishnan Salai,
Chennai – 600 004.

3.The Commissioner of Police,
Coimbatore City,
Coimbatore – 641 018.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the proceedings dated 05.04.2017 in R C No.29955/NGB-V(2)/2015 on the file of the first respondent and to quash the same as illegal and without jurisdiction



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and to consequently direct the 1st and 2nd respondent to place the petitioner in the “C” List of Head Constables (AR) fit for promotion as Sub Inspectors (AR) for the year 1999-00 as set out by the 3rd respondent in his proceedings dated 23.11.2016.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The order of rejection rejecting the claim of the writ petitioner to include his name in the C list of Head Constable (AR) fit for promotion as Sub Inspector (AR) of the year 1999-2000 is under challenge in the present writ petition.

2.The petitioner was initially recruited as Grade II Police Constable on 23.12.1985 and promoted to the post of Head Constable on 21.01.1993. The petitioner states that he was awarded the Tamil Nadu Chief Minister's Police Medal for Gallantry in 1998. He is fully qualified for promotion to the post of Sub Inspector (AR). The authorities prepared the C list by including the



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names of the eligible persons for promotion to the post of Sub Inspector.

However, the name of the writ petitioner was not considered and earlier he filed W.P.No.6150 of 2002 along with the other similarly placed person one Mr.S.Suseendaran and also filed O.A.Nos.6148 & 6150 of 2002 for the relief to include the name of the petitioner in the C list for promotion to the post of Sub Inspector of Police for the year 1999-2000. This Court elaborately considered the facts and circumstances and passed an order as under:

5.This Court finds some force in the submissions made by the learned Additional Government Pleader for the respondents. However, when the respondents have implemented the order passed by this Court in W.P.Nos.9316 of 2007 & 8689 of 2006 respectively dated 23.11.2011 by placing Mr.P.Kuppusamy and Mr.N.Sakthivel in the 'C' list of Head Constables (AR) fit for promotion as Sub Inspectors of Police (AR), this Court directs the respondents to consider the case of the petitioners also and place them in the appropriate place, of course, on the basis of the marks/position/rank obtained by them in the written test, drill test and viv-voce respectively, in the 'C' list of Head Constables (AR) fit for promotion as Sub Inspectors of Police (AR). Such exercise shall be undertaken within a period of eight weeks from the date



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of receipt of a copy of this Order. The writ petitions stand disposed of. No Costs.

3.Pursuant to the orders passed by this Court, the Commissioner of Police, Coimbatore City submitted the proposal to the Director General of Police in proceedings dated 23.11.2016. The learned counsel for the petitioner relied on the said proposal and contended that the name of the petitioner was included in the C list of Head Constable fit for promotion to the post of Sub Inspector of Police (AR) for the year 1999-2000. The name of the writ petitioner was considered and included in the C list and necessary proposals were submitted thereafter, no action was taken by the Director General of Police. Thus, the petitioner herein filed a contempt petition. Soon after filing of the contempt petition, they have hurriedly passed the impugned order without considering the proposals submitted by the Commissioner of Police, Coimbatore City in proceedings dated 23.11.2016. Thus, the impugned order is untenable and the authorities competent has failed to consider the necessary particulars and the fact regarding the inclusion of the name of the writ petitioner in the C list for promotion to the post of Sub Inspector. That apart,



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necessary relaxation was already granted in favour of the writ petitioner regarding the marks and therefore, on the said ground the case of the writ petitioner cannot be rejected. At the outset, it is contended that the impugned order did not refer the proposals submitted by the Commissioner of Police, Coimbatore City in proceedings dated 23.11.2016 and the relevant facts in the proposals were not considered by the Director General of Police.

4.The learned Government Advocate appearing on behalf of the respondents objected the said contention by stating that based on the order dated 24.03.2015 in W.P.Nos.11691 and 11693 of 2007 (O.A. Nos.6148 and 6150 of 2002), the case of the petitioner and the Head Constable 1853 S.Suseendaran, was reviewed for inclusion in the C list of Head Constables (AR) fit for promotion as Sub Inspector of the Police (AR) for the year 1999-2000 of Coimbatore City. The High Court has held that the inclusion must be based on the marks secured by the petitioners in the promotion test, the marks obtained by these two petitioners were to be taken in to account along with marks obtained by the Head Constables P.Kuppusamy and N.Sakthivel. The



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marks secured by these four Head Constables in the promotion test are as follows:

S.No.	Name	Marks Secured
1	HC 1864 N.Sakthivel	60.99
2	HC 1853 S.Suseendaran	60.98
3	HC 740 P Kuppusamy	57.99
4	HC 1871 P.Muthukumar	57.48

5.Amongst, the above four Head Constables, the petitioner is in the last position while HC 1853 S.Suseendaran is well above the HC 740 P Kuppusamy who was already included in the C list. Hence, the 1st respondent has included the name of the HC 1853 S.Suseendaran at the appropriate place in the C list of Constable (AR) fit for promotion to the post of Sub Inspector of Police for the year 1999-2000 of Coimbatore City, while the petitioner's case was rejected as he secured lesser marks than Thiru.P Kuppusamy and an endorsement to the 1st respondent to this effect dated 05.04.2017 was served on the writ petitioner.



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6.The learned Government Advocate further submitted that the petitioner was one among the 52 Head Constables participated in the promotion test. As he came out successful in the written test, which is the first phase of the selection process, he was allowed to participate in the drill and viva-voce tests. The marks obtained by him in the three tests and the marks awarded to him for his record of service were aggregated to 57.48 out of 100. The two Head Constables referred by the petitioner namely Head Constable 1864 N.Sakthivel and Head Constable 740 P.Kuppusamy have also participated in the process along with the petitioner and marks obtained by them are 60.99 and 57.99 respectively. As the petitioner secured less mark than these two Head Constables, his name was not included in the C list of Head Constables (AR) fir for promotion as Sub Inspectors of Police (AR) for the year 1999-2000 of Coimbatore City. Hence, the contention of the petitioner is liable for rejection.

7.As per the orders of the High Court in W.P.No.11693 of 2007 dated 24.03.2015, the petitioner's case was considered with reference to the marks



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obtained by him in the promotion test along with that of the marks obtained by Head Constable 740 P.Kuppusamy and Head Constable 1864 N.Sakthivel. As evident, the performance of the petitioner in terms of marks obtained by him is less than that of Head Constables P.Kuppusamy and N.Sakthivel. Hence, his name was not included in the C list. Hence, the contention of the petitioner is unsustainable.

8.While disposing W.P.No.11693 of 2007 filed by the petitioner on 24.03.2015, the High Court has held that as in the case of Writ Petitioners namely P.Kuppusamy and N.Sakthivel in W.P.Nos.9316/07 and 8689/06, the petitioner's case should also be considered for inclusion in the 'C' list with reference to the marks obtained by him. Accordingly, the marks obtained by the petitioner was considered along with that of the marks obtained by these two writ petitioners. It is evident that the petitioner has secured less mark than that of these two writ petitioners. Hence, in terms of merit, the petitioner's case was rightly rejected by the first respondent. It is also submitted that along with the petitioner's case, one Head Constable 1853 S.Suseendaran was also



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considered for inclusion in the 'C' list as per the orders of the High Court in W.P.No.11691 of 2007 dated 24.03.2015. As this Head Constable 1853 S.Suseendaran secured 60.98 marks, which is well above than the marks obtained by the writ petitioner P.Kuppusamy in W.P.No.9316/07, his name was included in the 'C' list at appropriate place and orders were issued by the first respondent in Endorsement No.29955/NGB V(2)/15 dated 05.04.2017. Hence, there is no violation of rule or discrimination in rejecting the petitioner's case, in view of the fact that the case of the petitioner was elaborately considered with reference to the facts and the marks obtained by him during the promotion test and accordingly, the other person namely Mr.Suseendaran was considered and his name was included in the 'C' list of the year 1999-2000 for promotion to the post of Sub Inspector of Police (AR). However, the name of the writ petitioner was not considered as he scored lesser marks amongst the other candidates and thus, the authorities have rejected the case of the petitioner. This Court do not find any infirmity in respect of the deliberations made by the authorities with reference to the directions issued by this Court in the writ petitions earlier filed by the writ



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petitioner and by the said Mr.Suseendaran.

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9.Accordingly, the writ petition is devoid of merits and stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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S.M.SUBRAMANIAM, J.

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