



W.P.No.28225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28225 of 2022

and

W.M.P.Nos.27523 and 27524 of 2022

--

R.Thiruvalluvan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Office of the Director General of Police,
Head of Police Force,
Mylapore, Chennai-600 004.
3. The Chairman,
The Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-600 008.
4. The Deputy Inspector General of Police,
Vellore Circle,
Vellore District.
5. The Superintendent of Police,
Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying

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for issuance of a Writ of Certiorarified Mandamus to call for the records of the fourth respondent in connection with the order passed by him in Na.Ka.No.A2/5178/2021, dated 31.07.2021 and quash the same as illegal and further direct the respondents herein to constitute a Second Medical Board for a fresh Medical Examination by the duly constituted medical officers and select the petitioner for an appointment to the post of Sub-Inspector of Police in Tamil Nadu Police Force on satisfaction of the said Medical Test.

For petitioner : Mr.P.A.Arvinth Viveks

For respondents: Mr.P.Kumaresan, Addl. Advocate General,
assisted by Mr.L.S.M.Hasan Fizal, Addl.G.P.

ORDER

The petitioner is aggrieved by his disqualification to the post of Sub-Inspector of Police on the ground that he is having a defective colour vision. The impugned order has been passed to that effect. The petitioner has already filed an appeal against the impugned order, which is through proper channel and final orders will have to be passed by the first respondent in the said appeal. Even though the petitioner has filed statutory appeal, the petitioner has filed the present Writ Petition.

2. Counter affidavit has been filed by the respondents reiterating the facts.

3. Since the appeal has already been filed by the petitioner as against the

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impugned order, and he has approached this Court without waiting for the outcome of the said appeal, this Writ Petition cannot be entertained at this stage. The only limited direction that can be issued in favour of the petitioner is to direct the first respondent to pass final orders on the petitioner's appeal within a time framed to be fixed by this Court.

4. It is stated that the said appeal has been filed on 29.09.2022 by the petitioner. Accordingly, this Writ Petition is disposed of by directing the first respondent to pass final orders on the petitioner's statutory appeal filed on 29.09.2022 as against the impugned order dated 31.07.2021 herein, on merits and in accordance with law, and after affording an opportunity of hearing including one personal hearing, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

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Speaking Order: Yes/no

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1. The State of Tamil Nadu,
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Head of Police Force,
Mylapore, Chennai-600 004.
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The Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
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4. The Deputy Inspector General of Police,
Vellore Circle,
Vellore District.
5. The Superintendent of Police,
Thiruvannamalai District.

ABDUL QUDDHOSE, J

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