

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2669 of 2017

1. K.Ravi

2. Andal

... Petitioners

-vs-

1. The Chief Secretary
Government of Tamilnadu
Fort St. George
Chennai – 600 009.

2. The Secretary to Government of Tamilnadu
Home Department
Fort St. George
Chennai – 600 009.

3. The Secretary to Government of Tamilnadu
Finance Department
Fort St. George
Chennai – 600 009.

4. The Secretary to Government of Tamilnadu
Police Department
Fort St. George
Chennai – 600 009.

5. The Director General of Police
Mylapore
Chennai – 600 004.

6. The Commissioner of Police
Office of Commissioner of Police
Egmore, Chennai – 600 008.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Fifth Respondents to consider the representation dated 29.09.2016.

For Petitioners	:	Mr. T.Sivagnanasambandan
For Respondents	:	Mr. P.Balathandayutham Special Government Pleader

O R D E R

Heard Mr. T.Sivagnanasambandan, Learned Counsel for the Petitioners and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners, who are working as Home Guards, have filed this Writ Petition for directing the First to Fifth Respondents to consider their representation dated 29.09.2016 in which they have sought for regularization in service in the Police Department.

3. The Respondents have filed Counter-Affidavit dated 14.07.2017 explaining that the Home Guard is a voluntary citizen's force functioning

auxiliary to the Police Department for maintenance of law and order meeting emergency situations and it is not a source of recruitment to police service for which appointments have to be made through competitive process of selection conducted by the Uniform Services Recruitment Board in the State of Tamil Nadu. Further, the Hon'ble Supreme Court of India in ***Grah Rakshak -vs- State of Himachal Pradesh*** (Order dated 11.03.2015 in Civil Appeal No. 2759 of 2015) has expressly held that the Home Guards cannot be entitled to any right for regularization in the police service of a State. In view of the aforesaid legal position, Learned Counsel for the Petitioners seeks permission of the Court to withdraw this Writ Petition with liberty to the Petitioners to work out their rights for any other relief that they may be entitled before the proper forum and he has made an endorsement to that effect in the court record.

4. In fine, the Writ Petition is dismissed as withdrawn granting such liberty.

No costs.

12.07.2022

Maya

Index: Yes/No

Note: Issue order copy by 26.07.2022.

To

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P.D. AUDIKESAVALU, J.

Maya

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