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W.P.No. 33639 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 33639 of 2019

R. Amudha

... Petitioner

Vs.

1. The Secretary to Government
Home Department,
Fort St. George, Chennai – 9.

2. The Director General of Police (L&O),
Mylapore,
Chennai – 4.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to fix the seniority of the petitioner on par with the 1st batch and accord proper placement by considering the petitioner representation dated 20.03.2019.

For Petitioner

: Mr. P. Venkatraman

For Respondents

: Mr. S. Rajesh

Government Advocate
for R1 and R2



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ORDER

The relief sought for is to direct the second respondent to fix the seniority of the petitioner on par with the 1st batch and accord proper placement by considering the petitioner's representation dated 20.03.2019.

2. General representation regarding the fixation of seniority cannot be entertained by the Court under Article 226 of the Constitution, for the purpose of issuing a direction to revise the seniority. The seniority has already been fixed by the Department by following the Rule. However, if at all any mistake or error committed by the competent authority, the petitioner has to make out a specific case regarding the violation of the Rules or otherwise. In other words, if the seniority of the petitioner has been erroneously fixed, the petitioner has to set out the facts correctly. In this regard, only after establishing the same, the Courts will be in a position to issue an appropriate direction by exercising the powers of judicial review. Contrarily, no direction can be issued in respect of general representation made by the writ petitioner to refix her seniority on par with the first batch recruiters and accord proper placement. Such a representation cannot be a case, for the purpose of entertaining the writ petition. The rights or



infringement of rights are to be established for the purpose of entertaining a writ petition. Thus, the petitioner has to make out a clear case for the purpose of considering the revision of seniority or otherwise. Thus, the petitioner is at liberty to approach the competent authorities with clear particulars and manner in which her seniority was wrongly fixed or otherwise. The writ petition stands disposed of. No costs.

09.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Secretary to Government
Home Department,
Fort St. George, Chennai – 9.
2. The Director General of Police (L&O),
Mylapore,
Chennai – 4.



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S.M.SUBRAMANIAM, J.

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