



W.P(MD)No.15520 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 16.11.2022

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.15520 of 2020

and

W.M.P.(MD)No.13029 of 2020

Thangamarimuthu

... Petitioner

**Vs.**

1.The Director General of Police,  
Tamilnadu Police Department,  
Mylapore, Chennai – 600 004.

2.The Deputy Inspector General of Police (Armed Reserve),  
O/o. The Deputy Inspector General of Police,  
Kilpauk, Chennai.

3.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings RC.No.00056/Rect 1(2)/2015 dated 11.04.2019 issued by the 1st respondent quash the same and consequently direct the 1st respondent to fix the petitioner's seniority on par with batch mates



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recruited for the year 2009-2010 based on petitioner's representation dated 05.03.2020 and light of the proceedings passed by the 1st respondent in C.No.3362/Rect 1(2)/2016, dated 11.11.2016 within time limit that may be stipulated by this Court.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.R.Suresh Kumar,  
Addl. Government Pleader.

### **ORDER**

Heard the learned counsel on either side.

2.The writ petitioner was involved in a murder case in the year 2001. He was figuring as Accused No.9. However, he was found guilty only for the offence under Section 307 of IPC and sentenced to seven year rigorous imprisonment by the Trial Court. Challenging the same, he filed Crl.A.No.566 of 2004 and the same was also allowed by the High Court on 05.09.2008 and he was acquitted. He took part in the selection process held in the next year. Even though he cleared the test, the authority took the stand that he stood disqualified for being appointed for the post of Grade-II Police Constable. Challenging the same, the petitioner filed W.P.(MD)No.8527 of



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2011. It was dismissed on 13.10.2011. Challenging the same, the petitioner filed W.A.(MD)No.1500 of 2011. The Hon'ble Division Bench vide order dated 04.01.2013 allowed the appeal. Questioning the same, the department filed Civil Appeal before the Hon'ble Supreme Court but the Civil Appeal was dismissed on 08.06.2016. The petitioner had already been sent for training along with 2013 batch. The appointment order was also issued in the year 2015. Now the question that arises for consideration is whether the petitioner having been selected in 2019 batch should be placed on par with his batch mates. The learned counsel for the petitioner drew my attention to the order dated 03.01.2019 in W.P.(MD)No.25132 of 2018 (M.Karuppasamy Vs. Director General of Police). A learned Judge of this Court held that delay in issuing the order of appointment cannot be attributed to the petitioner and it was because of the wrong rejection of the candidature of the petitioner by the appointing authority. In that view of the matter, the writ petition was allowed and the authorities were directed to fix the seniority of the writ petitioner therein with effect from the date on which the other candidates selected in the same batch were appointed. The learned counsel for the petitioner submitted that the case on hand is absolutely similar and that relief on identical lines may be granted.



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3.The contentions advanced by the learned counsel for the petitioner are highly persuasive and I would have definitely accepted the same notwithstanding the objections raised by the learned Additional Government Pleader but for one material difference. W.A.(MD)No.1500 of 2011 filed by the writ petitioner was allowed by the Hon'ble Division Bench in the following terms:-

*“25.In view of the aforesaid reasons, we are constrained to all the Writ Appeal. Accordingly, this Writ Appeal is allowed. Consequently, the impugned order passed by the second respondent dated 18.05.2011 and the writ Court order dated 13.10.2011 made in W.P.(MD)No.8527 of 2011 are set aside. It is made clear that the appellant shall be appointed in respect of the vacancies existing in the current year, as it is submitted by the learned counsel appearing for the appellant that the training for the current year posts commencing from 20.01.2013. No costs.”*

4.When the Hon'ble Division Bench had directed that the writ petitioner herein shall be appointed in respect of the vacancies existing in the current year, it would obviously mean the year 2013. The authorities have also reckoned the petitioner's seniority accordingly. Therefore, no interference is called for. The writ petition stands dismissed. No costs. Consequently, connected



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miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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**G.R.SWAMINATHAN, J.**

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