



W.P.(MD)No.16798 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.16798 of 2022

and

W.M.P(MD).Nos.12189 to 12191 of 2022

1.S.Vijaya Kumar
2.R.Poornachandran
3.N.Vijaya Kumar

... Petitioners

Vs.

1.The Secretary,
Ministry of Home Affairs,
Police Division-II,
North Block,
New Delhi-110001.

2.The Additional Chief Secretary,
State of Tamil Nadu Home (Police-III) Department,
Secretariat,
Chennai-600 009.

3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Notification No.2/2022 dated 30.06.2022 on the file of the Respondent No.3 and consequentially the Impugned Information Brochure published in their Official website on the file of the Respondent No.3 and quash the same as illegal in so far as the 5% Reservation of Ex-Serviceman and age relaxation of Ex-Serviceman and consequently for direction to extend the reservation benefits of 5% in Ex-Servicemen and age relaxation to Ex-Central Para-military Force personnel in light of the Office Memorandum No.27011/100/2012-R&W dated 23.11.2012 issued by respondent No.5 in the Tamil Nadu Uniformed Services Recruitment Board Notification No.02/2022 for Common Recruitment dated 30.06.2022 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.M.Siddharthan
Additional Government Pleader
for R2 and R3
Mr.V.B.Sundhareshwar
CGSC for R1



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Though the petitioners herein sought for quashing of the impugned Notification No.2/2022 dated 30.06.2022 and the impugned Information Brochure published in the official Website of the third respondent, the learned counsel for the petitioners submitted that the petitioners would be satisfied, if their representation dated 13.07.2022 seeking for extension of reservation benefits of 5% in Ex-servicemen of Armed Forces to Ex-CAPF Personnel, is directed to be disposed of by the respondents 1 and 2.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely.



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As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioners representation dated 13.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.
No costs. Connected miscellaneous petitions are closed.

12.08.2022

Index : Yes / No
Speaking Order : Yes / No
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M.S.RAMESH, J.

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