



W.P.No.26912 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.Nos.26912 of 2009

K.Ezhilrani

... Petitioner

Vs

The Director General of Police,
Tamil Nadu, Chennai – 4.

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Rc.No.82775/Rec.1(1)/2008, dated 16.12.2008, on the file of the respondent and quash the same and direct the respondent to give reemployment as Women Sub Inspector of Police and pass such other further order.

For Petitioner : Mr.K.Venkataramni Sr., Counsel for
Mr.M.Muthappan

For Respondent : Mr.A.M.Ayyadurai G.A.,

ORDER

The instant Writ Petition had been filed challenging the order passed by the respondent in rejecting the request of the petitioner to

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reemployment as a Woman Sub-Inspector of Police.

2. Heard Mr.K.Venkataramani, learned Senior counsel appearing for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondent.

3. The learned Senior counsel appearing for the petitioner would submit that the petitioner originally applied for the selection to the post of Women Sub-Inspector of Police in the year 2001-02, but however her candidature was rejected on the ground that there was some adverse notice as the petitioner had suppressed her involvement in criminal cases. The non-selection was challenged by the petitioner before this Court in W.P.No.9480 of 2006, which came to be allowed on 19.04.2006. Hence, by proceedings dated 04.05.2007, the petitioner was appointed as a Women Sub-Inspector and was directed to join the services on 14.05.2007. He would submit that while she received the order of appointment, the petitioner was pursuing higher studies at the Tamil Nadu Agricultural University, Coimbatore and therefore, she had

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requested the Dean of the Agricultural University to permit her to discontinue the studies temporarily. Thereafter, she had joined training at Chennai. However, the Dean of the Agricultural University had turned down the request of the petitioner by his communication dated 16.05.2007.

4. In view of such order, having no other option the petitioner tendered resignation on 18.05.2007 to continue her higher studies. The said resignation was accepted by the department on 05.06.2007. However, the petitioner was not able to continue her studies, as she was not given permission and therefore, she had approached the respondent on 25.03.2008, to grant her reemployment, as she had already fulfilled all the criteria. As the same was not considered, the petitioner moved this Court by way of a Writ Petition in W.P.No.24418 of 2008 and by order dated 13.08.2010, this Court was pleased to direct the respondent to consider the representation of the petitioner. However, without considering the same in a proper perspective, the respondent by the impugned order dated 16.12.2008, had rejected the request made by the

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petitioner. He would further submit that there has been no opportunity of hearing afforded by the respondent before rejecting the request of the petitioner.

5. Countering his arguments, A.M.Ayyadurai, learned Government Advocate appearing for the respondent would submit that even though the petitioner had got selected, since she had suppressed the material facts about involvement in a criminal case, she was not considered for appointment and by order of this Court, she was given the order of appointment and directed to report for training. She had also joined the training, however, she voluntarily gave a letter of resignation, seeking to resign the post to continue her higher studies. The said order of resignation had been accepted. When that being the fact, there is no question of her to seek reappointment to the post. It would always be open for her to compete in the future appointments subject to her being qualified to be appointed to the post. He would further submit that there is no necessity to afford an opportunity of hearing in this case as claimed by the petitioner. Therefore, he would

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seek this Court to dismiss the Writ Petition.

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6. I have heard the rival submissions made on either side the perused the materials placed on record.

7.It is an admitted fact that the petitioner had been offered an appointment pursuant to the order passed by this Court made in W.P.No.9480 of 2006, dated 19.04.2006. The petitioner had voluntarily submitted a resignation on 18.05.2007 by giving a reason that she proposed to continue her higher studies. The said resignation had also been accepted by the authority on 05.06.2007. Thereafter, she had made a representation dated 25.03.2008, intimating that she was not permitted to continue her higher studies and therefore, compassionately considered her request for reappointment. The said request had been considered and rejected by the respondent by the order impugned in this Writ Petition. One of the conditions that had been assigned in the order of acceptance of resignation is that her resignation would be accepted, if the petitioner ought to have given

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undertaking that she will not claim the post to which she was appointed once her resignation is accepted. It is also not disputed by the petitioner that she had given such an undertaking. It is also pertinent to note that the conduct of the petitioner at the first instance of suppressing an antecedent while applying to the post would also deserve her candidature to be rejected, but however this Court had directed an appointment to be made in a Writ Petition filed by her.

8. Presently the law is well settled that such person also cannot be considered for appointment, much water had flown in the present scenario, the Government had accepted the order passed by this Court and granted her an appointment, which she chose to resign on her own volition on the ground that she wanted to pursue her higher studies. The said resignation had been accepted on a condition that she cannot reclaim the appointment in future. When that being the position, I do not find any infirmity in the order passed by the respondent.

9. In fine, the Writ Petition is dismissed. However, there shall be

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no order as to costs.

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Speaking order : Yes/No

Neutral Citations : Yes/No

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