



W.P.No.29571 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29571 of 2010 &
M.P.No.2 of 2010

C.Sam Chandra Bose ... Petitioner

Vs

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

2.Commissioner of Police,
Egmore,
Chennai – 600 008.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of

India, to issue a Writ of Certiorarified Mandamus to quash the order of the first respondent dated 24.11.2010, bearing RC.No.206777/NGB.V(2)/2010 and consequently direct the respondents to consider the petitioner for promotion to the post of Sub-Inspector based on the selection grade made in the year 2003 and 2004 or in the alternative promote the petitioner to the post of the Sub-

Page No: 1/6



W.P.No.29571 of 2010

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Inspector when immediate junior was promoted based on the seniority consequent to G.O.Ms.No.1055, dated 01.11.2006 and pass such other orders.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Ayyadurai GA for R1
R2- Court

ORDER

The Writ Petition had been filed challenging the order of the first respondent, dated 24.11.2010, rejecting the request of the petitioner to promote him, as Sub-Inspector of Police on the selection made for the year 2003-04.

2. The learned counsel appearing for the petitioner would submit that the petitioner had been joined as Police Constable in the year 1986 and he was promoted as Head Constable in the year 1996 and his next avenue of promotion was to the post of Sub-Inspector. He would submit that many of his juniors have been promoted in the year between 2004 and 2005, but he has not been considered for promotion. He

Page No: 2/6



W.P.No.29571 of 2010

WEB COPY

would submit that when his juniors have been promoted, his promotion cannot be overlooked, as the petitioner had not suffered any disability and there was no disciplinary proceedings pending against him.

3. Countering his arguments, The learned Government Advocate appearing for the respondents would submit that promotion to the post of Sub-Inspector from the feeder category of Head Constable was governed by a selection process. In the year 2006, the petitioner even though had given a chance in the said selection process and he had not obtained the qualifying marks to be considered for promotion. However, from 2006, the promotion to the post of Sub-Inspector from the feeder category of head constable is only made by the seniority and that the petitioner based upon the seniority had been promoted on 18.07.2016 and also produced such proceedings.

4.I have considered the rival submissions made on either side and perused the materials placed on record.

Page No: 3/6



W.P.No.29571 of 2010

WEB COPY

6.The learned counsel appearing for the petitioner had not disputed the process in which the promotion had been made prior to 2006 and it is brought to the notice of this Court that the petitioner based on his seniority had been promoted on 18.07.2016.

7.In view of the said promotion, no further orders are required to be made in this Writ Petition. However, liberty is granted to the petitioner to approach the authority, if any of his juniors had been promoted based upon the seniority list of the year 2006-07 before him.

8.With the aforesaid liberty, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

24.11.2023

pbn
Index : Yes/No
Speaking order : Yes/No

Page No: 4/6



W.P.No.29571 of 2010

Neutral Citations : Yes/No

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To

1.The Director General of Police,
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2.Commissioner of Police,
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Chennai – 600 008.

Page No: 5/6



WEB COPY



W.P.No.29571 of 2010

K.KUMARESH BABU,J.
pbn

W.P.No.29571 of 2010

24.11.2010

Page No: 6/6