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W.P.No.29580 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29580 of 2010

and

MP.No.1 of 2010

M.Damodaran

... Petitioner

-Vs-

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

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

3.The Additional Commissioner of Police
(Traffic),
Kilpauk, Chennai – 600 010.

4.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to consider the claim of the petitioner for being promoted as Assistant Commissioner/ D.S.P.(Cat-II) for the panel year 2009 – 2010 and



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promote the petitioner as Assistant Commissioner/D.S.P.(Cat-II) for the panel year 2009-2010 immediately below Mr.P.Raj and above Mr.S.Ramakrishnan with all consequential service and monetary benefits.

For Petitioner : Ms.K.Soundarya
for Mr.T.T.Ravichandran

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents to consider the petitioner to the post of Assistant Commissioner/ D.S.P.(Cat-II) for the panel year 2009 – 2010 and promote him to the said post immediately below his juniors.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner had joined in the service of the Tamil Nadu Police as Constable on 13.10.1981. Thereafter, he was promoted to the post of Head Constable on 04.08.1987. Though he was entitled to the



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post of Sub Inspector of Police, he was not considered and as such, he filed an application before the Tamil Nadu Administrative Tribunal along with 2 others in O.A.Nos.2453 to 2457 of 1990. As per the order dated 12.10.1990, the petitioner was promoted to the post of Sub Inspector of Police and subsequently promoted to the post of Inspector of Police. However, the petitioner's name was not included in the panel to the post of Deputy Superintendent of Police/Assistant Commissioner of Police. However, his juniors viz., P.Raj and S.Ramakrishnan were promoted to the post of Deputy Superintendent of Police.

4. The learned Additional Government Pleader appearing for the respondents contended that the case of the petitioner cannot be considered for the reason that one must be a holder of SSLC with eligibility for College Course for study to be promoted to the post of Deputy Superintendent of Police/Assistant Commissioner of Police. As far as the petitioner is concerned, he is not qualified with SSLC. Therefore, the petitioner's name cannot be considered for inclusion in the panel year 2009 – 2010 to the post of Deputy Superintendent of Police/Assistant Commissioner of Police.



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5. Further, the G.O.Ms.No.421, Home (Pol.II) Department, dated 30.04.2010 had been issued relaxing the rule 4(D) of the Special Rules for the Tamil Nadu Police Service relating to the condition stipulated as to completion of five years of service as Reserve Inspector of Police, as one time measure in favour of the following 22 Inspectors of Police (Armed Reserve), who have completed four years instead of five years to enable them to be included in the panel of Inspector of Police (Armed Reserve) fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category-2) for the year 2009-2010 subject to the condition that they are otherwise eligible for inclusion to the said post.

6. Accordingly, those who were educationally qualified and employed in four years of service as Inspector of Police (Armed Reserve) were included in the panel. However, the petitioner has not passed even SSLC old pattern which is not eligible for college course of study. However, his juniors were qualified with other educational qualification and as such, they were promoted to the post of Deputy Superintendent of



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Police/Assistant Commissioner of Police. Therefore, the petitioner is not eligible to the post of Deputy Superintendent of Police/Assistant Commissioner of Police and as such, his name was not included in the panel to the said post.

7. Therefore, the direction sought for in this writ petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

26.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

mn

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