



WEB COPY



W.P.No.8890 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.8890 of 2019
and
W.M.P.Nos. 9438 & 9440 of 2019

M.B.Gowtham

.. Petitioner

vs

1.Tamil Nadu Uniformed Services
Recruitment Board,
Pantheon Road, Egmore,
Chennai – 600 008
Rep. By its Member Secretary.

2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai – 600 004.

3.The Deputy Inspector General of Police,
Technical Services, Mylapore,
Chennai – 600 004.

4.The Commissioner of Police,
Trichy City,
Trichy – 620 020.

5.The Additional Director General of Police,
TNPA, Oonamanchery,
Chennai – 600 048.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus calling the
records of the third respondent pertaining to his order made in



W.P.No.8890 of 2019

Rc.No.A3/12200/2018 dated 22.02.2019 and quash the same, consequent to direct the respondent 1 to 3 to appoint the petitioner as Sub-Inspector of Police (Technical) 2018 with all attendant benefits at par with the selected and appointed candidates.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
for Ms.C.Uma

For Respondents : Mr.R.Neethi Perumal
Government Advocate

ORDER

Writ petition has been filed in the nature of a certiorarified mandamus seeking records of the third respondent dated 22.02.2019 made in Rc.No.A3/12200/2018 and quash the same, consequently direct respondent nos. 1 to 3 to appoint the petitioner as Sub-Inspector of Police (Technical) 2018 with all attendant benefits at par with the selected and appointed candidates.

2. Heard Mrs.Nalini Chidambaram, learned Senior Counsel for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate for the respondents.

3. Mrs.Nalini Chidambaram, learned Senior Counsel for the petitioner places reliance on a judgment of the learned Single Judge



W.P.No.8890 of 2019

of this Court in a batch of writ petitions i.e., W.P.(MD) No.5441 of 2019 batch [*M.Salai Gayathri v The State of Tamil Nadu, Rep. By its Principal Secretary, Home Department, Secretariat, Chennai – 09 dated 30.04.2019*] wherein, considering the very same issue of rejection to the post of Sub-Inspector of Police (Technical) consequent to the vision status of the petitioner's therein, learned Single Judge had finally held as follows:-

"17. In view of the foregoing reasons as well as taking into consideration the pitiable situation of the petitioners, whose candidatures were rejected due to lack of eye-vision, which can be rectified owing to technology as-on-today, and they are functioning like any other person normally, this Court deems it fit to set aside the impugned orders, as it cannot be sustained in the eye of law. Accordingly, the impugned orders are set aside. The respondents are directed to consider the candidatures of the petitioners for appointment to the post of Sub-Inspector of Police (Technical) and (Finger Print) 2018, if they are otherwise found eligible."

4. It is also stated that the said directions of the learned Single Judge had been confirmed by a Division Bench in W.A.Nos.658 to 660 of 2020 batch [*The State of Tamil Nadu, Rep. By its Principal Secretary, Home Department, Secretariat, Chennai v. S.Priya Dharsini and others, dated 01.07.2021*] and in yet another decision of a Co-ordinate Bench in W.A.(MD) Nos. 941 to 953 of 2020 [*The State of Tamil Nadu, Rep. By its Principal*



W.P.No.8890 of 2019

*Secretary, Home Department, Secretariat, Chennai v M.Salai
Gayathri dated 15.02.2021].*

5. It is thus seen that the case of the petitioner is directly covered by the aforementioned decisions and the ratio is applicable as the petitioner was declared successful in the written examination and also in viva voce. The only reason the petitioner was not appointed as Sub-Inspector was that his vision, according to the respondents, was not of the required level for him to be considered for appointment as Sub-Inspector of Police (Technical) but, however, as directed by the learned Single Judge (referred supra), and affirmed by the Division Bench, the petitioner can always be appointed in the Fingerprint / Technical or in any other posts as stated in the said judgments. The respondents are directed to follow the dictum laid down in the said judgments.

6. Therefore, the impugned order is set aside and the respondents are directed to consider the candidature of the petitioner for appointment to the post of Sub-Inspector of Police (Technical) and (Fingerprint) / 2018, if he is otherwise found eligible. The said exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.No.8890 of 2019

WEB COPY

7. Writ petition stands allowed. No costs. Connected miscellaneous petitions are closed.

08.09.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Pantheon Road, Egmore,
Chennai – 600 008
- 2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai – 600 004.
- 3.The Deputy Inspector General of Police,
Technical Services, Mylapore,
Chennai – 600 004.
- 4.The Commissioner of Police,
Trichy City,
Trichy – 620 020.
- 5.The Additional Director General of Police,
TNPA, Oonamanchery,
Chennai – 600 048.



WEB COPY



W.P.No.8890 of 2019

C.V.KARTHIKEYAN,J.

ssm

W.P.No.8890 of 2019

08.09.2023