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W.P.No.34734 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34734 of 2022

N.Thenmozhi

...Petitioner

Vs

1. State of Tamil Nadu,
Represented by the Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai 600 009.
 2. Tamil nadu Uniformed Services Recruitment Board,
Represented by the Member Secretary,
No.807, P.T.Lee Chengalvaraya Naicker Maaligai,
Annasalai,
Chennai 600 002.
 3. The Director General of Police,
Beach Road,
Chennai 600 004.
 4. The Chairman,
Recruitment Sub-Committee,
Tamil Nadu uniformed Services Recruitment Board,
Egmore, Chennai 600 008
- ..Respondents

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



W.P.No.34734 of 2022

India to issue a Writ of Mandamus directing the 3rd respondent to fix the petitioner's seniority in the category of SI (Taluk) under Departmental quota & low marks first (Top priority – Senior Taluk SI 20% quota, AR SI 20% quota and TSP SI 20% quota) and then to place the names of Direct Sis(Taluk) who were appointed under open quota next to the Departmental quota (Next – Junior) by considering the petitioners representations dated 18.10.2021 and 16.11.2022 within time frame fixed by this Court.

For Petitioner : Mr.L.Abdul Basith
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.P.Ganesan
Government Advocate for R1 and R3
Ms.D.Sowmi Dattan
Standing counsel for R2 and R4

ORDER

Heard Mr.P.Kumaresan, Additional Advocate General,
Assisted by Mr.P.Ganesan, learned Government Advocate for R1 and
R3 and Ms.D.Sowmi Dattan, learned Standing counsel for R2 and R4.

2. The petitioner herein had made representations to the respondents on 18.10.2021 and 16.11.2022, seeking to fix the petitioner's seniority in the category of SI(Tauk) under Departmental quota and law



W.P.No.34734 of 2022

marks first (Top priority – Senior – Taluk SI 20% quota, AR SI 20% quota and TSP SI 20% quota). Since the said representations were not considered, the present writ petition has been filed.

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 him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. 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 the Constitution of the 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 third respondent herein to consider the petitioner's representations dated 18.10.2021 and 16.11.2022, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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



W.P.No.34734 of 2022

WEB COPY

merits of the claim made by the petitioner 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.

22.11.2023

Index: Yes/No
Speaking order/Non-speaking order
rka



W.P.No.34734 of 2022

WEB COPY

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WEB COPY



W.P.No.34734 of 2022

M.S.RAMESH,J.

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W.P.No.34734 of 2022

22.11.2023