



W.P.(MD)No.9928 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9928 of 2020

W.M.P(MD).Nos.8885 and 8886 of 2020

- 1.T.Duraisingam
- 2.P.Nethaji Subash Chandra Bose
- 3.N.Nageswaran
- 4.A.Kumar
- 5.P.Selvam
- 6.R.Muthu
- 7.M.Sankar

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to the Government,
Department of Home (Prison-II),
Fort St.George, Chennai-9.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar,
Park Town,
Chennai-3.
- 3.The Director General of Police/
The Director General of Prisons and Correctional Services,
Chennai-8.

... Respondents



W.P.(MD)No.9928 of 2020

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the Impugned Order in Letter No.34751/Pri.II/2019-4 dated 10.07.2020 on the file of the Respondent No.1 and quash the same as illegal insofar as the petitioners are concerned and consequently for a direction directing the Respondent No.1 to re-fix the seniority list for promotion to the post of Deputy Jailor by granting preference to the petitioners who all are in-service Assistant Jailor candidates appointed under 10% reservation and placing the petitioners above the rest of the directly recruited Assistant Jailors or in the alternative to fix ratio as 1:1 between the petitioners appointed under 10% in-service reservation and the remaining directly recruited Assistant Jailors for the purpose of promotion to the post of Deputy Jailor within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Ms.K.Christy Theboral Additional Government Pleader for R1 and R3 Mr.J.Arul Kumar for R2

ORDER

This writ petition has been filed to call for the records pertaining to the impugned Letter No.34751/Pri.II/2019-4 dated 10.07.2020 issued by the first respondent, quash the same as illegal insofar as the petitioners are concerned and consequently, direct the first respondent to re-fix the



W.P.(MD)No.9928 of 2020

WEB COPY

seniority list for promotion to the post of Deputy Jailor by granting preference to the petitioners who all are in-service Assistant Jailor candidates appointed under 10% reservation and placing the petitioners above the rest of the directly recruited Assistant Jailors or in the alternative to fix ratio as 1:1 between the petitioners appointed under 10% in-service reservation and the remaining directly recruited Assistant Jailors for the purpose of promotion to the post of Deputy Jailor within the time period stipulated by this Court.

2. The learned counsel appearing for the petitioners would submit that the petitioners were directly recruited to the post of Assistant Jailor in the year 2018 under 10% reservation meant for the in-service candidates (i.e.,) Graduate Warders Grade I and II of the Prison Department. The object of the Government order in G.O.(Ms).No.830, Home (Prison-II) Department, dated 27.05.2004 is that the prison warders continue to get most of the benefits extended to the Police Personnel by the Government from time to time. Therefore, the petitioners made representation on 17.06.2019 to re-fix the seniority list



W.P.(MD)No.9928 of 2020

WEB COPY

and place them above the persons, who were directly recruited through open market. However, the same was not considered. Hence, a writ petition has been filed in W.P(MD).No.21033 of 2019. This Court, vide its order dated, 30.09.2019, issued a direction to the first respondent to consider the representation of the petitioners, dated 17.06.2019, pursuant to which, the impugned order has been passed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's representation was rejected mainly on the ground that there is no provision available to re-fix the seniority above the candidates, who were recruited through open market in the post of Assistant Jailor. However, this Court may grant liberty to the petitioners to make a fresh representation to re-fix the seniority in between the directly recruited persons from open market and the persons recruited in the Prison Department.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1



W.P.(MD)No.9928 of 2020

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and 3 and the learned counsel appearing for the respondent No.2

5. In view of the submission made by the learned counsel appearing for the petitioners, this Court, without interfering with the impugned order passed by the first respondent, grants liberty to the petitioners to make a fresh representation to the respondents and if any such representation is made by the petitioners, the respondents are directed to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the representation.

6. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

09.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
ssb



W.P.(MD)No.9928 of 2020

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To

- 1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to the Government,
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- 2.The Secretary,
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- 3.The Director General of Police/
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W.P.(MD)No.9928 of 2020

M.DHANDAPANI,J.

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W.P.(MD)No.9928 of 2020

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