



Rev.Apl.W(MD)No.165 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.165 of 2023

in

W.P.(MD)No.5125 of 2023

and

W.M.P.(MD)No.17018 of 2023

1.The Home Secretary,
Tamil Nadu Government,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.The Joint Commissioner,
St.Thomas Mount,
South Chennai, Chennai.

... Review Petitioners

Vs

S.Vennila

... Respondent

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Cr.P.C. r/w. Article 226 of Constitution of India, to review the order dated 23.03.2023 passed by this Court in W.P.(MD)No.5125 of 2023 on the file of this Court.



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For Petitioners : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

For Respondent : Mr.R.Maheswaran

ORDER

Heard the learned Additional Government Pleader for the review applicants and the learned counsel for the respondent.

2.The respondent is presently working as Grade – I Police Constable. She wanted to participate in the recruitment process for the post of Sub-Inspector of Police as a departmental candidate. She belongs to BC community. Since the authority declined to issue no objection certificate, she filed W.P.(MD)No.5125 of 2023. The writ petition was allowed by me and the competent authority was directed to issue no objection certificate in favour of the writ petitioner so as to enable her to participate in the examination. The writ petition was allowed on 23.03.2023. Seeking to review the same, the present review application has been filed.

3.When the matter was taken up for hearing, the learned Additional Government Pleader for the review applicants submitted that when the writ petition was disposed of, the department failed to bring to



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the notice of this Court the amendment made to Special Rules for the Tamil Nadu Police Subordinate Services. Originally, the departmental candidates were permitted to take part in the recruitment for the post of Sub-Inspector if they had a clean record of service without any punishment other than the minor punishments of black mark, reprimand or censure in the five years preceding the date of notification of selection. Vide G.O.(Ms)No.168, Home (Police VI) Department dated 02.03.2017 amendment was made and it was stipulated that the departmental candidate must have a clean record of service without any punishment other than the minor punishments of black mark, reprimand and / or censure. In other words, the check period of five years was taken away.

4.The learned Additional Government Pleader also brings to my notice the order dated 07.01.2020 passed in W.P.No.13831 of 2019 (T.Malai Mathi Vijayan Vs The Commissioner of Police, Chennai City Police). A learned Judge of this Court while considering similar facts applied the amendment to the Rules and dismissed the writ petition.

5.If my attention had been drawn to the amendment made to the Rules as well as the aforesaid order dated 07.01.2020 made in



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W.P.No.13831 of 2019, I would not have allowed the writ petition. I, therefore, set aside earlier order passed by this Court. The review application is allowed and the writ petition is dismissed.

6.The petitioner was labouring under the impression that because she would not incur any disqualification after five years had probably chose to remain content with the order passed by the Director General of Police in her mercy petition. Now that the petitioner realizes that the punishment suffered by her would operate as an impediment for all times to come, she is permitted to file a review petition / revision before the Government. If any such petition is received by the Government within a period of six weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation and an order on merits and in accordance with law will be passed within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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