



W.P.(MD).No.3640 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.3640 of 2016
and
W.M.P.(MD).No.3258 of 2016**

M.Meenakshisundaram

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Police Service,
Kamaraj Salai,
Chennai – 600 004.

2.The Chairman,
Uniformed Services Recruitment Board,
807, P.T.Lee, Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai – 600 002.

3.The Commissioner of Police,
Madurai City,
Madurai.

4.The Director & Superintendent,
Regional Institute of Ophthalmology,
Government Ophthalmic Hospital,
R.L.Salai, Egmore,
Chennai.

... Respondents



W.P.(MD).No.3640 of 2016

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order dated 12.12.2014 issued by the third respondent herein and quash the same as arbitrary, unreasonable and against the Tamil Nadu Special Police Youth Brigade Act and Rules, 2013 and consequently direct the respondents to appoint the petitioner as a member (Youth Brigade) in the Tamil Nadu Special Police Youth Brigade.

For Petitioner : Mrs.Tamil Selvi,
For Mr.Y.Krishnan

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed to quash the order dated 12.12.2014 with a consequential relief to appoint the petitioner as a member (Youth Brigade) in the Tamil Nadu Special Police Youth Brigade.

2. The respondents have declined to appoint the petitioner for the reason that the petitioner's eyes were unfit. It is an admitted fact that the petitioner has underwent laser surgery in his eyes and has rectified his vision as early as when he was 10 years old. On medical examination, it was reported that the petitioner has underwent laser surgery, hence the respondents have declined to consider the petitioner as a member (Youth Brigade) in the Tamil Nadu Special Police Youth Brigade.



W.P.(MD).No.3640 of 2016

WEB COPY

3. However, the learned counsel appearing for the petitioner submitted that such issue was already considered by the Hon'ble Division Bench in W.A.(MD)Nos.941 to 953 of 2020 vide order dated 15.02.2021. In the aforesaid Writ Appeal, the issue that was raised is with regard to defect in vision for appointment to the post of Sub Inspector of Police (Technical) and Sub Inspector of Police (Finger Print).

4. When the Hon'ble Division Bench has also issued positive direction to appoint the writ petitioners thereunder in the Police Department itself, since the petitioner herein is seeking to appoint him as a member (Youth Brigade) in the Tamil Nadu Special Police Youth Brigade, this Court is inclined to direct the respondents to consider the petitioner's case sympathetically, moreso in the light of the order passed in the writ appeal as stated supra.

5. However, the learned Additional Government Pleader submitted that against the order passed by the Hon'ble Division Bench, SLP is preferred and the same is pending before the Hon'ble Supreme Court. But as on date, there is no stay in the SLP.



W.P.(MD).No.3640 of 2016

6. Therefore, this Court is inclined to set aside the impugned order and the impugned order is set aside. The respondents are directed to consider the petitioner's case in the light of the aforesaid Division Bench order. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



W.P.(MD).No.3640 of 2016

WEB COPY

To

- 1.The Director General of Police,
Tamil Nadu Police Service,
Kamaraj Salai,
Chennai – 600 004.
- 2.The Chairman,
Uniformed Services Recruitment Board,
807, P.T.Lee, Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai – 600 002.
- 3.The Commissioner of Police,
Madurai City,
Madurai.
- 4.The Director & Superintendent,
Regional Institute of Ophthalmology,
Government Ophthalmic Hospital,
R.L.Salai, Egmore,
Chennai.



WEB COPY



W.P.(MD).No.3640 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.3640 of 2016

27.03.2023