



W.P.(MD).No.23376 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 23.11.2023

ORDER PRONOUNCED ON : 05.12.2023

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD).No.23376 of 2023

K.S.Navaneetha Krishnan

...Petitioner

Vs

1.The Director General of Police (Law & Order)
Office of the Director General of Police
Beach Road
Chennai – 4

2.The Superintendent of Police
Kanniyakumari District
Nagercoil

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to fix the seniority of the petitioner in the post of Grade-II Police Constable along with their recruited batch in the recruitment year 2012 in the appropriate place as per Rule 25(a) of Tamil Nadu Police Subordinate Service Rules (TNPSS) with attendant monitory and service benefits.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.R.Sureshkumar
Additional Government Pleader



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ORDER

The present writ petition has been filed by a Grade-II Police Constable seeking mandamus to refix his seniority from the year 2012 onwards with all attendant monetary and service benefits.

2.The petitioner herein was recruited to the post of Grade-II Police Constable in the recruitment year 2012. He was also sponsored for training in the year 2013. However due to illness, he had taken a long medical leave. Hence, he had not completed the training. Thereafter, he was directed to undergo the training along with 2015 recruitment batch. Hence, he had requested for inclusion of his name in the seniority list for the year 2012. However, such a request was rejected under the impugned order on the ground that the petitioner had made a delayed request to the first respondent on 09.02.2021 for his seniority in the year 2012. The said representation has been forwarded by the first respondent to the second respondent for a detail report. At this stage, the present writ petition has been filed seeking a mandamus to fix his seniority on par with his 2012 batch-mates. These facts are not in dispute.



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3.The narration of the above said facts will clearly establish that the petitioner was recruited in the year 2012 and he was sent for training in the year 2013. However, due to fault on the part of the petitioner, he had left the training in the midway and did not clear the training. Thereafter, the petitioner has been admitted for training again in the year 2015 along with the candidates recruited in the year 2015. When the non-completion of training is due to the fault of the writ petitioner and there is no mistake on the part of the department, the petitioner cannot seek seniority on par with its batch-mates.

4.The Hon'ble Division Bench of our High Court while considering a similar case in a judgment reported in **2020 SCC Online Mad 25524 (D.Damuraj Vs. Director General of Police and another)** was pleased to hold that the right to assert seniority will arise only from the date of joining service or rather from the date of appointment. When a candidate has not successfully completed the physical training, he cannot be conferred with all service benefits including seniority. The above said judgment is squarely applicable to the facts of the present case. The petitioner cannot seek seniority on par with his 2012 batch.

5.In view of the above said deliberations, the petitioner does not have any legal right to seek mandamus against the authorities to fix the seniority in



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the year 2012. The writ petition is devoid of merits and the same is dismissed.

No costs.

05.12.2023

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

msa

To

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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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05.12.2023