



W.P. No.14855 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.14855 of 2018

Y.Baby

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Home (Police 1) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
No.100, Dr.Radhakrishnan Salai,
Chennai-600 004.
- 3.The Inspector General of Police (Armed Police),
Kilpauk,
Chennai-600 010.
- 4.The Chairman,
Tamil Nadu Public Service Commission,
Nungambakkam,
Chennai-600 034.

... Respondents



W.P. No.14855 of 2018

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 1st respondent in G.O.(2D).No.150 dated 02.06.2017 and quash the same as illegal, incompetent and ultravires and consequently direct the 1st respondent to grant all the benefits in accordance with G.O.(Ms).No.540 Home Department (Police IX) dated 26.05.2000.

For Petitioner : M/s.R.Jayaprakash

For Respondents : Mr.P.Kumaresan
Additional Advocate General-VII
assisted by Ms.E.Ranganayaki,
Additional Government Pleader.

ORDER

The petitioner herein was initially appointed as Constable in Tamil Nadu Special Police Service on 17.04.1973. He was promoted from time to time and finally promoted to the post of Senior Inspector of Tamil Nadu Special Police. Thereafter, the petitioner made a claim for promotion to the post of Assistant Commandant (CAT.III) and the claim of the petitioner was rejected by the respondents by passing the impugned order in G.O.(2D).No.150 dated 02.06.2017 on the ground that the petitioner has not possessed requisite qualifications for considering his case for promotion to the post of Assistant Commandant (CAT.III).



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2. As seen from the impugned order in terms of Rule 4(c) of Special Rules for Tamil Nadu Police Service, the qualifications prescribed are that one must have completed five years of service in the category officiating or permanent and secondly, he should be a holder of a SSLC eligible for college courses of study. Aggrieved by the said rejection of the claim of the petitioner for promotion to the post of Assistant Commandant (CAT.III) through the impugned G.O, the petitioner approached this Court by filing the present writ petition.

3. It is contended by the learned counsel for the petitioner that the petitioner has passed the SSLC examination as early as in the year 1970 and he also acquired the qualification of M.A.(History) in Annamalai Open University in the year 1999 and as such he is bound to be treated as the person qualified to the post of Assistant Commandant (CAT.III). He also placed reliance on the decision of the Division Bench of this Court reported in **2017 SCC Online Mad 28008**. Further, in support of his contention, he also placed reliance on decision of the Hon'ble Apex Court reported in



(2009) 4 Supreme Court Cases 590, to contend that the qualification of M.A degree obtained by him is to be treated as requisite qualification for promotion to the post of Assistant Commandant (CAT.III) category.

4. The respondents have filed the counter affidavit and Mr.P.Kumaresan, the learned Additional Advocate General also contented that, it is only for want of the requisite qualification for promotion to the post in question, the case of the petitioner was rejected by issuing the impugned order.

5. This Court has considered the submissions made on either side and perused entire material on record.

6. Though it is contended by the learned counsel for the petitioner that the petitioner has already passed SSLC examination in the year 1970 itself, admittedly, the said SSLC qualification is not the one which is eligible for college courses of study. There is subtle distinction between SSLC which was awarded after completing 10 years of study and SSLC qualification



eligible for college courses of study which was awarded after completing 11 years course. Admittedly, the petitioner is not the one who possessed later SSLC which is eligible for college courses of study. Therefore, the SSLC, that is possessed by the petitioner is not the one equivalent to the qualification which is prescribed under Rule 4(c) of Special Rules for Tamil Nadu Police Service.

7. The decision of the Division Bench of this Court relied upon by the petitioner in **2017 SCC Online Mad 28008** is concerned, the same was rendered in a totally different fact situation wherein, the candidate whose promotion to the post of Assistant Commandant, who has acquired SSLC qualification after the old pattern of 11+1+3 was done away and new SSLC pattern 10+2+3 was introduced and in those circumstances, the learned Division Bench after having come to the conclusion that the prescription of qualification has become redundant in those fact situation of the case. But in the instant case, the petitioner herein claimed to have acquired SSLC much prior to the introduction of the new pattern and therefore, the said decision is of no help to advance the case of the petitioner. Then coming to the claim of



the petitioner that he has acquired M.A(History) degree from Annamalai Open University is concerned, there is no material that is placed before this Court to show that said M.A. qualification acquired by the petitioner is equivalent to the SSLC qualification eligible for college courses of study which is the requirement under the relevant Rules.

8. The decision relied upon by the learned counsel for the petitioner reported in *(2009) 4 Supreme Court Cases 590* to contend that said M.A. acquired by the petitioner was to be treated as valid is concerned, the said decision is not applicable to the case on hand. Even assuming that the M.A.degree obtained by the petitioner is valid also in the absence of any material placed before this Court to show that M.A qualification is equivalent to the qualification of SSLC eligible for college courses of study to satisfy the requirement of Rule, this Court is unable to accept the contention of the learned counsel for the petitioner.

9. Added to that, the petitioner already retired from service as early as in the year 2010 and thereafter, started making claim to the post of



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Assistant Commandant (CAT.III) on notional basis. It has been 14 years since the petitioner retired from service. For this reason also this Court is not inclined to interfere in the impugned order.

10. In the light of the above, this Court does not find any merit in the writ petition and accordingly, the same is dismissed. The connected miscellaneous applications, if any, shall stand closed. No costs.

24.04.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

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- 2.The Director General of Police,
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3.The Inspector General of Police (Armed Police),
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4.The Chairman,
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