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W.P.No.23980 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23980 of 2021

S.Mani

... Petitioner

Vs.

1.The Government of Tamil Nadu
rep by the Additional Chief
Secretary to Government, Home,
Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.

2.The Director General of Police (Administration),
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

3.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai 600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation dated 12.04.2021 in the light of the order passed by the Division Bench of this Court in K.Raja and others Vs. The Additional Chief Secretary and others reported in 2019 (6) CTC 750 and further direct the respondents to prepare the revised seniority list of Deputy Superintendent of Police (DSP) fixing the seniority of Deputy Superintendent of Police (DSP) based on the marks



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secured by the candidates in the combined Civil Services -I Examination (Group-I services) conducted by the Tamil Nadu Public Service Commission (TNPSC) for the year 1997-98 and grant him all consequential service and monetary benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.M.Rajendran, AGP for R1 & R2

Ms.C.N.G.Niraimathi, SC for R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation dated 12.04.2021 in the light of the order passed by the Division Bench of this Court in K.Raja and others Vs The Additional Chief Secretary and others reported in 2019 (6) CTC 750 and further direct the respondents to prepare the revised seniority list of Deputy Superintendent of Police (DSP) fixing the seniority of Deputy Superintendent of Police (DSP) based on the marks secured by the candidates in the combined Civil Services -I Examination (Group -I services) conducted by the Tamil Nadu Public Service Commission (TNPSC) for the year 1997-98 and grant him all consequential service and monetary benefits.



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2. Heard Mr.P.Manoj Kumar, learned counsel for the petitioner, Mr.M.Rajendran, learned Additional Government Pleader for R1 & R2 and Ms.C.N.G.Niraimathi, learned Standing Counsel for R3.

3. The limited contention of the learned counsel for the petitioner is that the petitioner has arrived at the seniority basing on merit and not on reservation. It is submitted by the learned counsel for the petitioner that the issue of seniority has been settled in the order passed by the Division Bench of this Court in ***K.Raja and others Vs The Additional Chief Secretary and others reported in 2019 (6) CTC 750*** that the seniority has to be fixed only on the basis of merit and not on the basis of reservation.

4. Law on this point is well settled that the roster point on the basis of reservation is only for selection and for seniority, merit alone should be taken for consideration. However, the cut off date for revisiting the seniority in terms of merit is for all those appointments which have been made subsequent to 10.03.2003.



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5. Ms.C.N.G.Niraimathi, learned Standing Counsel for the third respondent submitted that the petitioner has been selected in the year 1997-98 and hence the orders on this aspect cannot be invoked retrospectively before 10.03.2003. It is further submitted that the proceedings in this regard is also pending before the Supreme Court and the orders are awaited.

6. In such circumstances, the third respondent can pass orders on the representation of the petitioner by stating the ground reality or direct the petitioner to give a fresh representation depending upon the outcome of the pending proceedings before the Supreme Court.

7. With these observations, this Writ Petition is disposed. No costs.

23.01.2024

Index : Yes/No
Internet : Yes/No
Speaking / Non-Speaking
Neutral Citation : Yes / No
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To
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- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.
- 2.The Director General of Police (Administration),
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
- 3.The Chairman,
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R.N.MANJULA, J.

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