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W.P.No.25948 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25948 of 2024

K.Vijay

.. Petitioner

Vs.

1.The Secretary to Government,
Home (Police III) Department,
Fort St George,
Secretariat, Chennai – 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

3.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai – 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 29.04.2024 with regard to age relaxation under 10% Ward quota in the recruitment for Sub Inspector of Police (Taluk/Armed Reserve/Tamil Nadu Special Police) for the year 2024 within the time frame as may be fixed by this Court.



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For petitioner : Mr.A.V.Arun
For RR 1 & 2 : Mr.P.Balathandayutham
Special Government Pleader
For R3 : Mrs.D.Sowmi Dattan
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 29.04.2024, wherein the petitioner has sought for age relaxation under 10% Ward quota in the recruitment for Sub Inspector of police.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 & 2 and the learned Standing Counsel for 3rd respondent.

3.The case of the petitioner is that his father was appointed as a Police Constable and he retired as Sub Inspector in the year 2021 after serving the police department for nearly 39 years. The further case of the



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petitioner is that initially G.O.Ms.No.834 dated 10.09.2001 enabled 10% Quota for the dependants of the serving police personal and the wards of the retired, deceased and medically invalidated police personal. This Court in W.A.(MD).No.1241 of 2017 by judgment dated 13.02.2018, held that such 10% reservation is unconstitutional. As against the judgment of this Court, the Government of Tamil Nadu preferred an appeal before the Hon'ble Supreme Court. The Hon'ble Supreme Court by an order dated 09.01.2023 set aside the judgment passed by the Division Bench of this Court. In view of the same, the Government issued G.O.Ms.No.412 dated 02.08.2023. The Government took into consideration the order passed by the Hon'ble Supreme Court and revived the 10% Quota for the Wards. However, considering the fact that age relaxation was required for those persons who had made a claim under that Quota, age relaxation was given as a one time measure during the common recruitment of the year 2023.

4.The grievance of the petitioner is that such age relaxation was given only for police Constables and the same benefit was not extended for the Sub Inspector of police. The petitioner therefore made a representation dated 29.04.2024 requesting for age relaxation for those



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who come under the 10% Ward quota in the recruitment for Sub Inspector of police. Since, the same was not considered, the present writ petition has been filed before this Court.

5.The petitioner had made a representation to the 1st respondent on 29.04.2024. The 1st respondent through letter dated 02.06.2024 had forwarded this representation to the 2nd respondent.

6.In the considered view of this Court, the 2nd respondent or the 3rd respondent cannot take a decision on the request made by the petitioner. The age relaxation for police Constables recruitment was done only by the Government. The petitioner is seeking for such age relaxation even for recruitment to the post of Sub Inspector of police. Therefore, the decision can only be taken by the Government and not by the respondents 2 & 3.

7.In view of the above, there shall be a direction to the petitioner to make a fresh representation to the 1st respondent and the 1st respondent shall deal with the same on its own merits and in accordance with law and take a decision and convey the same to the petitioner within a period



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of eight (8) weeks from the date of receipt of a copy of this order. A copy of this representation shall also be marked to the 2nd respondent.

8.This Writ Petition is disposed of in the above terms. No costs.

04.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Secretary to Government,
Home (Police III) Department,
Fort St George,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 3.The Chairman,
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N.ANAND VENKATESH, J.

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