



W.P.Nos.17057 & 17058 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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Coram:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.Nos.17057 & 17058 of 2017
and
W.M.P.Nos.18515 & 18516 of 2017

Vijayakumari ... Petitioner in W.P.No.17057 of 2017

X.Jayamani ... Petitioner in W.P.No.17058 of 2017

Vs.

1.The Secretary to Government
Home (Police II) Department
Fort St. George, Chennai - 9

2.The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.

3.The Commissioner of Police
Greater Chennai Police,
Vepery, Chennai – 7.

... Respondents in both Writ Petitions

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction in the nature of writ calling for the records of the 2nd respondent in connection with the impugned order passed by him in Rc.No.40052/NGB-V(2)/2016 dated 15.05.2014 and



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Rc.No.38184/NGB-V(2)/2016 dated 11.05.2017, respectively and quash the same and direct the respondents to promote the petitioners notionally as Head Constable on completion of 5 years of service as Gr-I Police Constable from the year 1991 and further promote the petitioners notionally as Sub-Inspector of Police from the year 1996 and grant further promote as Woman Inspector of Police from the year 2007 with all consequential service and monetary benefits and grant such other further reliefs.

For petitioner in
both Writ Petitions : Mr.Venkat Raman, Standing Counsel
for M/s.M.Muthappan

For respondents in : Mrs.C.Sangamithirai
both Writ Petitions Special Government Pleader

COMMON ORDER

The order of rejection rejecting the claim of the writ petitioners for promotion and upgradation, on par with the men police is under challenge in the present writ petitions.

2. The issues raised in these writ petitions were elaborately considered by this Court in a Batch of Writ Petitions and a judgement was delivered on 15.12.2021. Thus, the issues are no more *res integra* and the operative portion of the judgement in the batch of cases in



W.P.Nos.35498 of 2019 etc., dated 15.12.2021 is extracted hereunder:

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“54. As far as the 1991 batch Grade I Women Police Constables are concerned, they have been given promotion as Head in Constables the year 2003 and 2004 and thereafter, it was decided to notionally upgrade them as Head Constable with effect from the year 1999 without monetary benefits and thereafter, they were promoted as Special Sub Inspectors of Police in 2009 with monetary benefits from the date of G.O as a onetime measure and as a special case in terms of G.O. (Ms.) No.152, Home (Police III) Department, dated 25.02.2011.

55. Under Adhoc Rules read with Notification given in G.O.Ms.No.2566, Home Department, dated 01.11.1974, exemption was given to the General Rules inasmuch as the aforesaid Rule was announced for the first time in the year 1974 with effect from 05.09.1973.

56. At that point of time, there was no scope for promotion to the post of Women Police Constable Grade I and therefore, it was construed that there was no necessity to distinct between the Grade I and Grade II Police Constables as the word and figure "Grade II"



were against the Women Police Constables.

57. Further, the appointment under Adhoc Rules as notified by G.O.Ms.No.2566, Home Department, dated 01.11.1974 was intended to create a temporary post for the Women Police Wing in the Madras City. The issue of aforesaid G.O.Ms.No.2566, Home Department, dated 01.11.1974 proceeded the issue of G.O.Ms.No.2382, Home Department, dated 05.09.1973, G.O.Ms.No.1048, Home Department, dated 27.04.1974 and Rc.No.39409/SR.2/73 of the Inspector General of Police, dated 01.11.1973 & 23.04.1974.

58. The qualification prescribed for the Women Police Constable which was amended by G.O.Ms.No.1203, Home (Police III) Department, 08.08.1995 was a mere pass in S.S.L.C. The petitioners were appointed with a minimum S.S.L.C. pass. Therefore, the petitioners cannot claim any advantage.

59. If the arguments of the learned counsel for the respective petitioners are accepted, the petitioners being appointed as Women Police Constables will be entitled to be promoted as Head Constables within 5 years and thereafter as Special Sub Inspectors / Sub Inspectors of Police within a period of next 10 years, whereas, their male



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counterparts would take about 25 years to be promoted as Special Sub Inspectors / Sub Inspectors of Police.

60. As the petitioners who were appointed as Women Police Constables through direct recruitment in the years 1981 and 1991 were promoted as Head Constables in the years 1996 & 1997 and 1999 and as Sub Inspectors of Police in the years 2003, 2004 and 2009 respectively are concerned, they cannot claim any further benefit merely because they were recruited as Women Police Constables.

61. It would be fallacious to treat the petitioners as superiors to their male counterparts who were appointed as Grade II Police Constables as the appointment of the petitioners in the years 1981 and 1991 was only at the entry level with a minimum educational qualification of SSLC.

62. If the contention of the petitioners are accepted, an anomalous situation would arise. Following Chart demonstrates the position:

<i>Batch</i>	<i>Head Constable</i>	<i>Special Sub Inspector / Sub Inspector</i>	<i>Inspector</i>
<i>1981 batch Gr.I W.P.Cs</i>	<i>1986</i>	<i>1996</i>	<i>2006</i>
<i>1991 batch Gr.I W.P.Cs</i>	<i>1996</i>	<i>2006</i>	<i>2016</i>

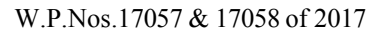
63. It would confer undue advantage on the



petitioners. The Government of Tamil Nadu had already considered the case of the petitioners by promoting the 1981 batch Women Police Constables as Head Constables with effect from the years 1996 & 1997 and the 1991 batch Women Police Constables as Head Constables with effect from the year 1999 and thereafter by promoting as Sub Inspector with effect from the years 2003 & 2004 and 2009 respectively. They also have been given notional benefits in terms of G.O. (Ms.) No.152, Home (Police III) Department, dated 25.02.2011.

64. Therefore, the petitioners cannot claim to be similarly placed persons as that of their male counterparts who were recruited in the bottom at the entry point of time as Grade II Police Constables and thereafter upgraded as Grade I Police Constables at the end of 10 years as Grade II Police Constables merely based on their designations.

65. In the light of the above, there are no merits in these Writ Petitions and they therefore deserve to be dismissed. The petitioners are however given liberty to approach the respondents for appropriate relaxation.



66. Accordingly, these Writ Petitions are

3. In view of the judgement cited *supra*, the present writ

08.01.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
apd

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BATTU DEVANAND,J.

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