



W.P(MD)No.5706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.5706 of 2024

R.Radhika

... Petitioner

Vs.

1.The Secretary to the Government,
Home Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director General of Police,
O/o the Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

3.The Commissioner of Police,
O/o the Commissioner of Police,
Madurai.

4.The Deputy Commissioner of Police,
Police Head Quarters,
Madurai City.

5.The Additional Commissioner of Police,
O/o Commissioner of Police,
Armed Reserve, Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to



W.P(MD)No.5706 of 2024

consider the petitioner's representation, dated 23.08.2023 in the light of communication of the 4th respondent in Na.Ka.No.P2(1)/8039/130/2021, dated 07.09.2023 within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.S.Shaji Bino
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 23.08.2023 in the light of communication of the 4th respondent in Na.Ka.No.P2(1)/8039/130/2021, dated 07.09.2023 within the time stipulated by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner participated in the recruitment conducted by the Tamil Nadu Uniformed Service Recruitment Board for the post of Grade-II Police Constable in the year 2007-08. He was selected in the recruitment process and he was issued with an appointment order on 31.10.2009. On 15.11.2009, he



W.P(MD)No.5706 of 2024

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was sent for training to the Police Training School, Coimbatore. On completion of training, he was posted as Grade-II Police Constable at Tamil Nadu Special Police, 1st Battalion, Trichy on 08.07.2011. During training, the petitioner suffered a fracture and was subjected to medical treatment. As a result of which, his training got delayed and he completed training only on 01.02.2011. Considering the same, the respondents had fixed the seniority of the petitioner from 2010 instead of fixing it from 2009. Hence, the petitioner made a representation before the respondents on 17.02.2021 seeking to refix his seniority on par with his batchmates. He made further representation on 23.08.2023 and the same was received by the 4th respondent on 07.09.2023 informing the petitioner that his representation, dated 17.02.2021 has been forwarded before the head quarters for consideration. However, the same was not considered. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would



W.P(MD)No.5706 of 2024

amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of this case, this Court directs the 4th respondent to consider the representation of the petitioner, dated 23.08.2023 and pass appropriate orders in accordance with law within a period of ten (10) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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W.P(MD)No.5706 of 2024

WEB COPY

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W.P(MD)No.5706 of 2024

L.VICTORIA GOWRI, J.

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W.P(MD)No.5706 of 2024

11.03.2024