



WP.(MD).No.8157 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.8157 of 2024

and

W.M.P.(MD)Nos.7363 and 7366 of 2024

1.M.Kavitha

2.K.Dhinesh Kumar

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Home Department,
Secretariat,
Chennai – 600 009.

2.The Director General of Police,
Head of Police Force,
Mylapore,
Chennai – 600 004.

3.The Additional Director General of Police,
State Crime Records Bureau,
No.95, Santhome High Road,
R.A.Puram,
Chennai – 600 028.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioners' for promotion to the post of



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Inspector of Police (Finger Print) by including the petitioners name in the C-list of Sub Inspectors of Police (Finger Print) fit for promotion as Inspector of Police (Finger Print) for the panel year 2023-2024 and by considering the petitioners representation dated 08.09.2023 and 19.03.2024.

For Petitioners	: Mr.S.Mohamed Suhail For M/s.Ajmal Associates
For Respondents	: Mr.J.John Rajadurai Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the second respondent to consider the petitioners' for promotion to the post of Inspector of Police (Finger Print) by including the petitioners name in the C-list of Sub Inspectors of Police (Finger Print) fit for promotion as Inspector of Police (Finger Print) for the panel year 2023-2024 and by considering the petitioners representation dated 08.09.2023 and 19.03.2024.



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3.The brief facts which are necessary for the disposal of this

Writ Petition is as follows:-

The petitioners were initially appointed as the Sub Inspectors of Police in the 20% Department quota in the year 2019. Both of them appeared in the All India Board Examination for Finger Print, which was held on 08.11.2022 to 13.11.2022 conducted by the National Crime Records Bureau. However, they could not pass and thereafter, they re-appeared in the said examination and cleared both physical and theory papers. The petitioners' next avenue of promotion is Inspector of Police. The panel of Sub Inspector of Police fit for the promotion to the post of Inspector of Police for the panel year 2023-2024 was prepared. However, the petitioners name was not included in the same and despite the petitioners' objection for not including the name in the panel for promotion to the post of Inspector of Police, the petitioners' case were not considered. Hence, they made a representations on 08.09.2023 and 19.03.2024 to the first respondent, which was not considered. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioners, the learned Government Advocate appearing for the respondents



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and carefully perused the entire materials available on record.

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5.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 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.

6.In view of the same, without going into merits of the case, this Court hereby direct the first respondent to consider the petitioners' representations dated 08.09.2023 and 19.03.2024 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.03.2024

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

To

1. The Principal Secretary,
State of Tamil Nadu,
Home Department,
Secretariat,
Chennai – 600 009.
2. The Director General of Police,
Head of Police Force,
Mylapore,
Chennai – 600 004.
3. The Additional Director General of Police,
State Crime Records Bureau,
No.95, Santhome High Road,
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L.VICTORIA GOWRI, J.

Mrn

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