



WP(MD). No.14729 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.14729 of 2024
and WMP(MD) No.12915 of 2024**

Xavier Raj .S

... Petitioner

Vs

1. The Director General of Police,
Head of Police Force,Tamil Nadu,
Chennai..

2. The Deputy Commissioner of Police
(Administration), Chennai..

3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order vide C.No.A2/201/2023-21, D.O.No. 574/2024, dated 24.06.2024 passed by the 3rd respondent and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in the post of Assistant besides providing opportunity to appear in the account test examination considering near future.



WP(MD). No.14729 of 2024

For Petitioner : Mr.S.Alagusundar,
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard Mr.S.Alagusundar. Learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3.The petitioner has filed this writ petition challenging the impugned order of 3rd respondent dated 24.06.2024 and consequently direct the respondents to reinstate the petitioner in the post of Assistant besides providing opportunity to appear in the account test examination considering near future.

4.The petitioner was appointed to the post of Assistant on 06.12.2018 and according to conditions of service, the petitioner has to complete the departmental test within a period of five years from the date of appointment.



WP(MD). No.14729 of 2024

Since the petitioner could not clear the account test till 2021 and 2022, his probation was not ordered and hence, a show cause notice was issued on 28.05.2024 calling explanation from the petitioner and the petitioner has submitted his explanation stating that he is going to appear for the departmental test to be conducted on 22.06.2024. While so, the petitioner was issued with the impugned order dated 24.06.2024 thereby his services were terminated.

5. The learned counsel for the petitioner submitted that though he has passed the other papers in the departmental test, the account test alone is kept pending and during COVID-19 pandemic, the departmental test was not conducted and hence, there is no occasion for the petitioner to attend the account test and the same was not taken into consideration by the respondents. The learned counsel further submitted that the petitioner has also attended the account test on 22.06.2024 and the results are awaited. The learned counsel submitted that till the results are declared, the impugned order may be deferred.

6. Since the petitioner is said to have appeared in the account test conducted on 22.06.2024 and awaiting the results and the impugned order has been passed before the results are published, the respondents shall reconsider the case of the petitioner and pass orders afresh depending upon the results of



WP(MD). No.14729 of 2024

the account test conducted on 22.06.2024.

WEB COPY

7. In view of the above observation, the writ petition is disposed of and the impugned order is deferred until the results are published and the third respondent is directed to pass any orders depending upon the results of the above examination conducted on 22.06.2024. No costs. Consequently connected Miscellaneous Petition is closed.

04.07.2024

RR

TO

1. The Director General of Police,
Head of Police Force, Tamil Nadu,
Chennai..

2. The Deputy Commissioner of Police
(Administration), Chennai..

3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram..



WEB COPY



WP(MD). No.14729 of 2024

R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.14729 of 2024**

Date : 04/07/2024