



W.P.(MD).No.23414 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23414 of 2024

and

W.M.P(MD) No.19824 of 2024

G.Thirumaheswaran

... Petitioner

Vs.

1. The District General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2. The Superintendant of Police Battalion,
Tamil Nadu Special Police II Battalion,
Avadi, Chennai 600 054.

3. The Principal,
Government Law College,
Madurai,
Madurai District – 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.D3/11372/2024, dated 04.09.2024 on the file of the second respondent and quash the same as illegal and consequently to direct the second respondent to allow the petitioner to be readmitted to continue the study in the 6th semester in B.A.LLB for the academic year 2024- 2025 providing extraordinary leave with loss of pay.



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For Petitioner : Mr.S.Louis
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant Writ Petition has been filed by a Grade -II Constable, challenging the order passed by the second respondent herein, wherein his request for continuing five years Law Course in the Government Law College, Madurai, has been rejected.

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner has joined 5 years Law Course in the Government Law College, Madurai in the academic year 2018-2019 and he had discontinued the said course in the year 2021-2022, after completing 5th semester. According to the learned counsel appearing for the writ petitioner, due to the death of his father and his family circumstances, he had discontinued the course in the Law College.

3. The petitioner herein got selected to the post of Grade – II Constable in the year 2022 and he had completed probation. Thereafter, he has



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approached the second respondent herein, seeking extraordinary leave to continue his Law Course in the third respondent College. The Director of Legal Studies has granted permission to continue the Law Course and the consequential order has also been passed by the third respondent herein permitting the petitioner to continue the Law Course in the Government Law College, Madurai. However, under the impugned order, the second respondent had rejected the request of the petitioner on the ground that there are no Rules which permit the petitioner to pursue the academic Course, while he is in police service. This order is put to challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, the Department has got powers to grant extraordinary leave on loss of pay to the writ petitioner to continue the academic studies.

5. Per contra, the learned Special Government Pleader appearing for the respondents relying upon the Tamil Nadu Study Leave Rules, 1965, had contended that the petitioner is not eligible for any extra-ordinary leave on loss of pay.



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6. A perusal of the impugned order reveals that the second respondent has not cited or pointed out any Provision or Rules to reject the request of the petitioner. The impugned order is bereft of any reason or details.

7. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the second respondent to consider the request of the petitioner in the light of the Service Rules of the writ petitioner as well as the Tamil Nadu Study Leave Rules, 1965, and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

19.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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