



WEB COPY



W.P. No.3440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.3440 of 2024

S.Rajmohan Hc 118

Petitioner

Vs

1. The Home Secretary to
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai- 600 009.

2.The Director General of Police
Tamil Nadu State, Santhome,
Chennai.

3.The Deputy Inspector General of Police
Commissioner of Police, Salem Range,
Salem.

4.The Superintendent of Police
Namakkal District, Namakkal.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the entire records in pursuant to the rejection orders vide Na.Ka. No. A2/E- 2855409 / 2022 dated 25.10.2022 and Na.Ka. No. A2/ E- 4684466 / 2023 dated 23.06.2023 issued by the 4th respondent and quash both of them.



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For petitioner : Mr.T.P. Prabakaran
For respondents : Mr.P. Ganesan
Addl. Govt. Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders of the 4th respondent in Na.Ka.No.A2/E-2855409/2022 dated 25.10.2022 and Na.Ka.No.A2/E-4684466/2023 dated 23.06.2023, quash the same as illegal and arbitrary and consequently direct the respondents to grant upgradation to the petitioner as Grade I Police Constable with effect from 01.12.2013 and further issue No Objection Certificate enabling the petitioner to participate in the selection process for the post of Sub-Inspector of Police under 20% Departmental Quota, and pass such further orders.

2. The petitioner was appointed as Police Constable Grade II in the Tamil Nadu Police Service on 30.11.2003. He completed ten years of service on 30.11.2013, and according to him, he is eligible for upgradation to Grade I Police Constable. However, prior to completion of the qualifying service, a charge memo dated 17.08.2013 was issued alleging misconduct. After a duly conducted enquiry under Rule 3(b) of the Tamil Nadu Police Subordinate



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Services (D&A) Rules, the charge was held proved and punishment of postponement of next increment for two years without cumulative effect was imposed on 04.02.2014, which was confirmed by the appellate and revisional authorities. Owing to the said punishment, the petitioner was upgraded as Grade I Police Constable only on 01.11.2016 and thereafter upgraded as Head Constable on 01.11.2021. His representations seeking retrospective upgradation and issuance of No Objection Certificate for participation in the Sub-Inspector selection under departmental quota was rejected by the impugned orders dated 25.10.2022 and 23.06.2023.

3. Learned counsel for the petitioner submitted that the petitioner had completed the requisite qualifying service and was entitled to upgradation on par with his batchmates, who were appointed as Grade II Police Constables on 30.11.2003 and 01.12.2003 respectively and were upgraded as Grade I Police Constables on 01.12.2013. He further contended that the punishment of stoppage of increment without cumulative effect for two years, imposed in the year 2014, ought not to have been a bar either for upgradation or for issuance of No Objection Certificate to participate in the selection process conducted by the Tamil Nadu Uniformed Services Recruitment Board for the post of Sub-Inspector of Police. Therefore, he argued that the impugned orders dated 25.10.2022 and 23.06.2023 issued by the 4th respondent are arbitrary and unsustainable.



4. Per contra, the learned counsel for the respondents reiterated the averments made in the counter affidavit and submitted that the disciplinary proceedings culminated in imposition of punishment of postponement of next increment for two years without cumulative effect, which was confirmed by the appellate and revisional authorities and has attained finality, the same not having been challenged before this Court. He further submitted that as per G.O.Ms.No.15, Home (Police-5) Department dated 07.01.2010, an individual who has suffered punishment during the relevant period is not eligible for upgradation along with batchmates. Hence, the petitioner was rightly upgraded only after completion of the punishment period.

5. With regard to issuance of No Objection Certificate for participation in the 20% Police Departmental Quota for Sub-Inspector of Police, reliance was placed on para 9 of the counter affidavit, contending that the information brochure issued by the Tamil Nadu Uniformed Services Recruitment Board clearly stipulates that candidates must possess a clean service record, without any punishment other than minor punishments such as black mark, reprimand and censure during their entire service. Since the petitioner suffered a punishment beyond the permissible category, the rejection of his request was fully justified. In view of the above, he prayed for dismissal of this writ petition.



6. Heard the learned counsel on either side and perused the entire records placed before this Court.

7. It is an admitted fact that the petitioner was issued a charge memo prior to completion of ten years of service and that the charge was proved in a duly conducted enquiry. The punishment imposed was confirmed by the appellate as well as revisional authorities and the same has attained finality.

8. The grievance of the petitioner is primarily based on parity with batchmates. However, it is well settled that upgradation and promotion are subject to eligibility conditions and disciplinary record. When the petitioner was undergoing punishment during the relevant period, he cannot claim upgradation as a matter of right on par with others who possessed a clean service record.

9. As regards participation in the 20% Departmental Quota for Sub-Inspector of Police, the eligibility conditions contained in the information brochure categorically mandate a clean service record, permitting only minor punishments such as black mark, reprimand or censure. The petitioner admittedly suffered a punishment which does not fall within the permissible category. Generally, due to pendency of charge memo and the petitioner being suffered a punishment at that relevant point of time, he is not entitled for upgradation. Therefore, the rejection of the petitioner's request for issuance of



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No Objection Certificate cannot be faulted, as rightly contended by the learned Additional Government Pleader.

10. This Court finds no illegality, arbitrariness or perversity in the impugned orders passed by the respondents. The administrative decisions are strictly in accordance with the governing rules and Government Orders. Therefore, this Court is not inclined to issue any positive directions to the petitioner.

11. In view of the above, this Court holds that the petitioner is not entitled to retrospective upgradation or issuance of No Objection Certificate for participation in the Sub-Inspector selection under departmental quota.

12. Accordingly, the writ petition is dismissed. No costs.

10.12.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

vsi2

To

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Secretariat, Fort St. George,
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