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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.14066 of 2024

and

W.M.P.Nos.15244 & 15245 of 2024

K.B.Shibu

.. Petitioner

Vs.

1.The Additional Director General of Police,
Armed Police,
Kilpauk,
Chennai – 600 010.

2.The Chairman,
Armed Police Range Promotion Board/Commandant,
TSP-VIII Battalion, New Delhi,
Camp @ TSP R.C.Avadi,
Chennai – 600 054.

3.The Chairman,
Armed Police Range Promotion Board/Commandant,
TSP-VIII Battalion, Veerapuram,
Chennai – 600 055.

4.The Commandant,
Tamil Nadu Special Police,
IX-Battalion,
Manimuthar,
Tirunelveli District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd and 3rd respondents in connection with the preparation of impugned combined senior list of Havildar (Genl.) fit for promotion as Sub-Inspector (Genl.) for the year of 2021-2022 by the 3rd respondent vide his proceedings No.Nil dated NIL and subsequent impugned promotional panel for promotion to the post of Sub-Inspector (Genl.) for the year 2024-2025 prepared by the 2nd respondent vide his proceedings in C.No.A1/ 00800/ 2024 dated 05.03.2024 and quash the both as illegal and arbitrary and consequently direct the respondents to prepare the combined seniority list of Havildar (Genl) based on the date of appointment and marks secured in the Police Recruitment School and thereby prepare the promotional panel for the post of Sub-Inspector (Genl) within the time limit that may be stipulated by this Court.

For Petitioner .. Mr.G.Thalamuthurasu

For R1, R3 & R4 .. Mr.M.Shajahan, SGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the preparation of combined seniority



list of Havildar (General) fit for promotion of Sub-Inspector (General) for the year 2021 – 2022 by the 3rd respondent and to quash the same. The petitioner seeks that a fresh combined seniority list of Havildar (General) based on the date of appointment and marks secured in the Police Recruitment School must be prepared.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner joined as Grade – II Police Constable in the respondent department on 01.12.2003. He is working as Havildar in the IX Battalion under the 4th respondent. It had been claimed that he had been discharging his duties without any adverse remarks. It had been further stated that the combined seniority list of Havildar (General) fit for promotion as Sub-Inspector (General) for the year 2021 – 2022 had been prepared by the 3rd respondent. The petitioner found that juniors to him had been placed above him in the seniority list. It is under those circumstances that the petitioner had filed the present writ petition.

3.In the counter affidavit filed by the 4th respondent, it had been contended that the petitioner had been recruited in the year 2003 and is



serving as Havildar (General) in Tamil Nadu Special Police IX Battalion, Manimuthar. He was earlier serving in Tamil Nadu Special Police X Battalion, Ulundurpet. He sought transfer on his own request. He was transferred to the Tamil Nadu Special Police IX Battalion, Manimuthar. He was placed at the bottom of the seniority list. It was therefore contended that while preparing the combined seniority list for the year 2021 – 2022, the petitioner's name had to be necessarily placed in accordance with his seniority, which was determined when he was transferred from Tamil Nadu Special Police X Battalion, Ulundurpet. It has thus been contended that the seniority list had been correctly prepared.

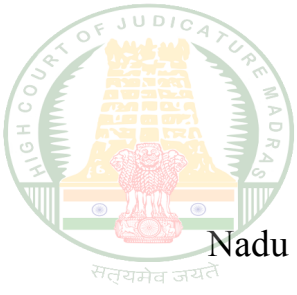
4. Heard both sides.

5. The petitioner had been selected as Graded – II Police Constable in the respondent department on 01.12.2003. He was initially working as Tamil Nadu Special Police X Battalion, Ulundurpet. He was thereafter transferred at his own request to the Tamil Nadu Special Police IX Battalion, Manimuthar and joined duty on 11.04.2007. Since he had been transferred to another battalion, his name had been placed in the bottom of



the seniority list of Police Constables (General) in Tamil Nadu Special Police IX Battalion, Manimuthar, who were enlisted as Grade – II Police Constable during the year 2003. This was in accordance with the existing rules and regulations followed in Battalions. The petitioner was then promoted as Naik (General) and Havildar (General) on 18.03.2010 and 18.03.2012 respectively. These promotions were in accordance with his seniority maintained in the Tamil Nadu Special Police IX Battalion, Manimuthar.

6.It is also seen that the combined seniority list of Havildar (General) fit for promotion as Sub-Inspector (General) were prepared consisting of Havildars serving in all the Battalions and this would be prepared by the Armed Police Range Promotion Board and approved by the Additional Director General of Police, Armed Police, Chennai. Since the petitioner had been placed at the bottom of the seniority list in the Tamil Nadu Special Police IX Battalion, Manimuthar, when the combined seniority list was prepared, his name was fitted at the relevant seniority place. He had been placed at the junior most of the Tamil Nadu Special Police IX Battalion, Manimuthar, since he had been transferred on his own request from Tamil



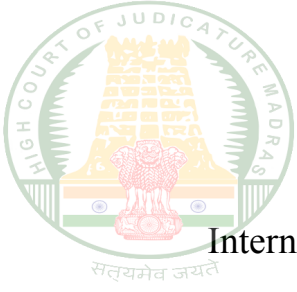
Nadu Special Police X Battalion, Ulundurpet. It is thus seen that the seniority had been correctly considered with all relevant factors.

7. Incidentally, the petitioner had also filed W.P.No.620 of 2025 seeking a Mandamus to be placed in the seniority list in the panel 2024 – 2025 for promotion to the post of Sub-Inspector (General). This Court had issued a Mandamus in that regard. This would address the grievance of the petitioner.

8. In view of that particular fact, and also since the petitioner had been transferred from Tamil Nadu Special Police X Battalion, Ulundurpet to Tamil Nadu Special Police IX Battalion, Manimuthar, on his own request and therefore, had been placed at the bottom of the seniority at Tamil Nadu Special Police IX Battalion, Manimuthar, in accordance with the rules and regulations, I hold that the relief sought in the writ petition cannot be granted to the petitioner. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

13.03.2025

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Index: Yes/No



Internet: Yes/No

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C.V.KARTHIKEYAN,J.

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