



W.P.Nos.38018 and 38019 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.38018 and W.M.P.No.37940 of 2016
and W.P.No.38019 of 2016 and W.M.P.No.38024 of 2016

Judgment reserved on 06.03.2025	Judgment pronounced on 25.04.2025
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- 1.J.Jaya Singh
Grade I, P.C 1845
Eruvadi Police Station,
Thirunelveli District.
2. R.John, H.C 724,
Marine Police Station, Uvari,
Thirunelveli District.
3. N.Manonmani,
Grade-I, P.C 544,
Colachel Traffic Police Station,
Colachel, Kanyakumari District.
4. S.Regini Singh,
Head Constable 789,
Marthandam Traffic P.S
Marthandam, Kanyakumari District.
5. D.Justin Benjamin,
Head Constable 21069,
V6, Kolathur Police Station,
Kolathur, Chennai – 600 099.



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6. A.Ravi, H.C.1956,
Marthandam Traffic Police Station,
Marthandam, Kanyakumari District.

7. C.Jayapal, H.C.203,
Thuckalay Traffic Police Station,
Thuckalay, Kanyakumari District.

...Petitioners in W.P.No.38018 of 2016

1. K.Rajaram,
Head Constable – 321,
Thirunelveli Railway Police Station,
Thirunelveli District.

2. I.Edwin Gnanasekar,
Head Constable – 520,
Kanyakumari Traffic Police Station,
Kanyakumari & District

3. S.Kanaga Raj,
Head Constable – 527,
Colachel Traffic Police Station,
Kanyakumari District.

4. M.Padmakumar,
Head Constable – 843,
Marthandam Traffic Police Station,
Kanyakumari District.

5. T.Dharma Raj,
Head Constable – 843,
Marthandam Traffic Police Station,
Kanyakumari District.



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6. P.Yesu Robinson,
Head Constable – 1129,
Kanyakumari Traffic Police Station,
Kanyakumari & District.

7. E.Sam Hentry William Paul Raj,
Head Constable – 1339,
Palayamkottai Armed Reserve,
Thirunelveli & District.

8. R.Ponnuthurai,
Head Constable – 1379,
Nagercoil Armed Reserve &
On other duty Thirunelveli Railway
Police Station, Thirunelveli District.

9. M.Edwin Rose,
Head Constable-1515,
Kottar Traffic Police Station, Nagercoil,
Kanniyakumari & District.

...Petitioners in W.P.No.38019 of 2016

.....Vs.....

1.The Government of Tamil Nadu,
Rep' by its Secretary to Government,
Home Department, Fort St George,
Chennai – 600 009.

2. The Director General of Police ,
Santhome High road, Mylapore , Chennai

.....Respondents in both cases.



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Prayer in W.P.No.38018 of 2016:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, directing the respondents, especially the 2nd respondent TO REVISE THE SENIORITY OF THE PETITIONERS' in the cadre of their appointment as Grade-II Police Constables fixing their names along with similarly selected Grade-II Police Constables for the recruitment year 1992, considering the Notification Year, Subjection of their Selection Processes and successful passing through of Physical Measurement Test, Endurance Test, Physical Efficiency Test, Written Test, Oral Test, Medical Test, Police Verification etc and Declaration of Successful Completion & Enlistment on par with other selected Grade-II Police Constables pursuant to the same Common Notification instead of inclusion of their names in the bottom of the 1997-98 recruited Grade-II Polices Constables and also considering their recently made individual representations dated 27.07.2016, 05.04.2016, 20.07.2016, 27.07.2016, 06.07.2016, 22.06.2016 & 22.06.2016 with all service and monetary benefits.

Prayer in W.P.No.38019 of 2016:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, directing the respondents, especially the 2nd respondent TO REVISE THE SENIORITY OF THE PETITIONERS' in the cadre of their appointment as Grade-II Police Constables fixing their names along with similarly selected Grade-II Police Constables for the recruitment year 1992, considering the Notification Year, Subjection of their Selection Processes and successful passing through of Physical Measurement Test, Endurance Test,



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Physical Efficiency Test, Written Test, Oral Test, Medical Test, Police Verification etc and Declaration of Successful Completion & Enlistment on par with other selected Grade-II Police Constables pursuant to the same Common Notification instead of inclusion of their names in the bottom of the 1997-98 recruited Grade-II Polices Constables and also considering their recently made individual representations dated 22.06.2016, 22.06.2016, 14.05.2016, 23.06.2016, 05.05.2016, 05.05.2016, 04.06.2016, 09.06.2016 & 06.05.2016 with all service and monetary benefits.

For Petitioners : Mr.A.Amal Raj in both cases

For Respondents : Mr.P.Kumaresan,
Additional Advocate General-VII
Assisted b Mr.RV.Dinesh,
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed seeking a Writ of Mandamus to direct the second respondent to revise the seniority of the petitioners in the cadre of their appointment as Grade-II Police Constables by placing their names alongside similarly selected Grade-II Police Constables for the recruitment year 1992, and on par with the selected candidates, and to include their names at the bottom of the 1997–1998 Grade-II Police Constables recruitment list.



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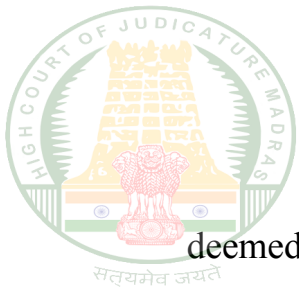
2. After hearing the learned counsel for the petitioners and the learned

Additional Advocate General for the State, I find that similarly placed persons had filed W.P. Nos. 8457 of 2011, 16876 of 2013, and 348 of 2017 on the very same point, and by an order dated 24.02.2025, the cases were rejected. Furthermore, the Division Bench of this Court, in W.A. No. 30 of 2022, by an order dated 20.12.2022, also rejected the relief sought by similarly placed persons.

3. The crux of the issue is that the petitioners seek a re-fixation of their seniority in parity with similarly recruited individuals from the year 1992.

4. The learned Additional Advocate General for the respondents based on the counter and stated that:

(i) During the year 1992-1993, the Tamil Nadu Uniformed Services Recruitment Board initiated the selection process for the recruitment of 10,000 Grade II Police Constables. A final list of 10,624 candidates was prepared by the Tamil Nadu Uniformed Services Recruitment Board for appointment as Grade II Police Constables. While preparing the selection list on communal rotation, 376 posts reserved for Scheduled Castes / Scheduled Tribes could not be filled due to the non-availability of candidates from these communities. Based on certain representations, it was proposed that these vacancies be filled by candidates from other communities. Consequently, candidates from other communities were sent for a medical examination and



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deemed fit for appointment as Grade II Police Constables.

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(ii) The 376 backlog vacancies, which were earmarked for Scheduled Castes / Scheduled Tribes candidates, were filled through special recruitment during the selection of 10,000 Grade II Police Constables in 1995-96. The selected candidates were appointed after completing their training. Hence, the Government decided to discontinue further action regarding the appointment of the 376 candidates from other communities.

(iii) At that time, many Original Applications previously filed by the candidates were pending before the Tamil Nadu Administrative Tribunal. The then Hon'ble Chief Minister, while presenting the Police Demand for the year 1999-2000 in the Assembly on 10.05.1999, announced that these excess candidates, selected over and above the required number in the 1992-93 selection list for Grade II Police Constables, would be absorbed in future recruitment, with age relaxations where necessary.

(iv) Accordingly, the second respondent sent a proposal to the Government (the first respondent) in this regard. The Government, in G.O.Ms.No.1339, Home (Police III) Department, dated 01.10.1999, issued orders to appoint the 329 candidates who had been selected in 1992-1993 in excess of the notified vacancies for 10,000 Grade II Police Constables. These candidates were to be appointed as Grade II Police Constables, with relaxations on the age, communal rotation, sports quota, and 30% reservation for women, as a one-time measure.

(v) The Government also issued orders that these 329 candidates would undergo police verification again. Their seniority would be reckoned by



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placing them below the 4000 Grade II Police Constables (Men) selected during the 1997-1998 recruitment. These 329 candidates were to be sent for the prescribed training immediately, with the establishment of a temporary training school if necessary.

5. These petitioners have been joined pursuant to Clause 8 of the appointment order, which follows the announcement made by the Hon'ble Chief Minister on the floor of the Assembly on 10.05.1999.

6. The Government has appointed the petitioners by relaxing the relevant rules, as stated above, as a one-time measure. Therefore, the seniority of the petitioners cannot be reckoned from the year 1992, as requested.

7. After hearing the counsel for the petitioners and the learned Additional Advocate General for the respondents, the common appointment order notification was challenged, wherein the Government took the stance that, in view of Clause 8 therein, the petitioners cannot seek the relief.

8. The essence of the petitioners' grievance is that they underwent a re-examination in 1996 pursuant to an announcement made by the then Chief Minister in the Assembly. The re-examination was conducted and for candidates who have selected provision were given relaxations on five aspects, and they were appointed accordingly. They contend that they ought



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to have been appointed along with the 1989 batch and, therefore, seek to have their seniority fixed above the police personnel recruited in the 1989–1990 batch.

9. The learned Additional Advocate General also relied upon another Division Bench judgment of this Court in W.A.No.30 of 2022, along with a batch order dated 20.12.2022, wherein the Division Bench held:

"We are of the considered view that the order of the learned Single Judge is unsustainable for the following reasons."

(iii) These 98 persons, even though they were successful in the written examination and were called for a viva-voce and police verification, ultimately were 'not selected' since they did not come within the zone of merit.

25. In Clause No. III, the Division Bench observed as follows:

"It is only by an extraordinary gesture that the Government has shown an act of benevolence to them vide G.O.Ms.No.1281, dated 22.09.1999. The said benevolence came with a condition that the appointees cannot claim seniority vis-à-vis their batch, i.e., 1994-1995, and that they will be placed below the persons who were selected in the year 1997-1998. Therefore, when any extraordinary gesture, dehors the rules, is shown by the Government, and if that gesture is coupled with a condition, the acceptance of G.O.Ms.No.1281, dated 22.09.1999, by the writ petitioners would estop them from challenging the very



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same G.O. thereafter. The petitioners cannot be permitted to approbate and reprobate."

10. It appears that the above-mentioned Division Bench order was confirmed by the Hon'ble Supreme Court by an order dated 13.03.2023 in Civil Appeal (SLP) No.7470 of 2023.

11. After perusing the judgments of the two Division Benches, as confirmed by the Hon'ble Supreme Court, I find that the facts and circumstances of this case are squarely covered by the aforesaid Division Bench rulings.

12. After reviewing Clause 8 of the appointment order notification, it is clear that the petitioners were appointed subject to the conditions outlined in Clause 8, as stated above. The petitioners have challenged only a part of the G.O., while voluntarily accepting the re-examination procedure, which has not been contested before this Court. Therefore, the petitioners cannot separately challenge the re-examination procedure, as it is an integral part of the G.O. that has already been given effect.

13. Be that as it may, this Court finds that Clause 8 is a special instruction stating that the seniority of these candidates shall be reckoned



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only from the date of their appointment as Grade II Police Constables in the Tamil Nadu Special Police (TSP). Since no appointment orders were issued earlier, the question of a seniority list does not arise. According to the rules, the seniority of Police Constables appointed on or after 01.07.1977 shall be determined with reference to the marks obtained by them in the final examination conducted at the Recruit Schools and from the actual date of their appointment as Grade II Police Constables. As the petitioners and others were appointed only in the year 1997, their seniority was rightly fixed below that of the Grade II Police Constables appointed during the years 1993 and 1994.

14. There is a specific instruction in G.O.Ms.No.606, Home (Pol-3) Department, dated 24.04.1997 (copy enclosed), stating that the seniority of these candidates shall be reckoned only from the actual date of their appointment as Grade II Police Constables in the TSP. Thus, they are not eligible to claim seniority from their selection year, i.e., 1990–1991. Since they remained out of employment from the date of their selection until the date of joining the PRS for basic training, this period is not countable for seniority or any other purpose. The petitioners' claim for seniority for the



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period prior to their actual appointment, which was not spent on duty, is not in accordance with the rules.

15. Since the petitioners were recruited and appointed in 1997, their seniority cannot be reckoned from the date of joining. In other words, their seniority cannot be fixed above that of the police personnel recruited in 1993 and 1994, as the qualification examination was solely based on the re-examination conducted in 1996. The Division Bench has considered all claims from similarly placed persons in W.A. No. 1134 of 2012 and W.A. No. 30 of 2022 (dated 20.10.2022) and rejected the claims. Since the petitioners are raising the same issue, which is no longer res integra, and in light of the Division Bench judgment in W.A. No. 30 of 2022, the petitioners are not entitled to any relief.

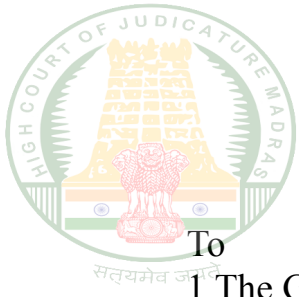
16. Accordingly, these **writ petitions are dismissed**. No costs. Consequently, the connected W.M.Ps. are also closed.

25.04.2025

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Index : Yes / No

Neutral Citation : Yes/No



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To

1. The Government of Tamil Nadu,
Rep' by its Secretary to Government,
Home Department, Fort St George,
Chennai – 600 009.

2. The Director General of Police ,
Santhome High road, Mylapore , Chennai



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RMT.TEEKAA RAMAN, J.

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and W.P.No.38019 of 2016 and W.M.P.No.38024 of 2016

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