

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on
21.04.2025

Pronounced on
25.04.2025

CORAM

THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN
WP No. 41072 of 2016

R.Janaradanan
S/o.A.Rajamanickam,
Sub-Inspector of Police,
Special Branch CID Headquarters
Mylapore, Chennai-600 004

Petitioner(s)

Vs

1. The Director General of Police
Dr.Radhakrishnan Salai, Mylapore,
Chennai-600 004.

2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of Constitution of India to call for the records of the 2nd respondent in connection with the impugned order issued by him in Na.Ka. No.115/36095/ Pa.Pi. 5(1)/2014 dated 09.03.2015 and quash the same and further direct the respondents to include the name of the petitioner in the C list of Head Constable fit for promotion as Sub-Inspector of Police for the year 1999- 2000 based on the marks obtained by the petitioner in the Range Promotion Board and notionally promote petitioner as Sub-Inspector of Police on par with his juniors and grant all consequential service and monetary benefits.



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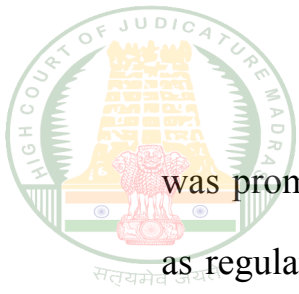
For Petitioner(s): Mr.K.Venkatramani
Senior counsel
for Mr.M.Muthappan

For Respondent(s): Mr.P.Kumaresan,
Additional Advocate General,
Assisted by
Mr.V.Veluchamy,
Additional Government Pleader

ORDER

This Petition has been filed to call for the records of the 2nd respondent in connection with the impugned order issued by the petitioner in Na.Ka. No.115/36095/ Pa.Pi. 5(1)/2014 dated 09.03.2015 and quash the same and further direct the respondents to include the name of the petitioner in the C list of Head Constable fit for promotion as Sub-Inspector of Police for the year 1999-2000 based on the marks obtained by the petitioner in the Range Promotion Board and notionally promote the petitioner as Sub-Inspector of Police on par with his juniors and grant all consequential service and monetary benefits.

2.The petitioner entered the service as Grade II Police Constable in Chennai City Armed Reserve on 27.02.1986. He was promoted as Lance Nayak on 18.05.1990. H was upgraded as Nayak on 21.08.1991. Later, the petitioner was promoted as Head Constable notionally w.e.f. 24.09.1996. The petitioner



was promoted as Special Sub-Inspector in the year 2001 and further promoted as regular Sub-Inspector of Police on 18.06.2015. The Petitioner has received more than 100 rewards in his exemplary career. During the year 2000, a range promotion board was conducted for the preparation of 'C' list of Head Constables, who are fit for promotion as Sub-Inspector. While calculating the marks for the past performance, the petitioner has not been awarded proper marks for his past performance as well as Annual Confidential Report. The petitioner was awarded 59.2 marks without taking into consideration the marks for his past performance and the rewards. The petitioner made a detailed representation mentioning all these details to the Commissioner of Police on 22.09.2014 and also gave relevant particulars regarding the inclusion of the names of individuals long after the selection was over for the year 1999-2000. Initially the petitioner's request was not considered, but subsequently after a lapse of 6 months, an order was passed.

3.The learned senior Advocate appearing on behalf of the petitioner based upon the affidavit, additional affidavit, additional reply affidavit and information obtained from RTI would submit that during the year 2000, lot of malpractices took place while awarding marks for the past performance and in the interview. Thereby, the petitioner was not awarded proper marks for his past performance as well as ACRs. Again, during the year 2003, when the range promotion board was conducted, the petitioner was awarded 64.25 marks



including 5 marks for the rewards, but as per the small book entry, the petitioner has secured more than 90 rewards and the petitioner is entitled to get 9 marks.

Similarly in the year 2005, the respondents have replied to the petition under RTI Act that there was no Range Promotion Board conducted in the year 2005. Whereas, in the impugned order dated 09.03.2015, they have stated that the petitioner has not reached the cut off marks for the year 2005 Range Promotion Board, which clearly shows the malpractices committed by the respondents. The petitioner was not selected for obvious reasons.

4.The learned senior Advocate appearing on behalf of the petitioner would submit that the rewards secured by the petitioner has not been taken into consideration, while awarding marks in the Range Promotion Board conducted for the year 2000 for the past performance. Had the Range Promotion Board followed the established procedure in the manner known to law, the petitioner could have got selected and his name could have been included in the C list of Head Constables, who are fit for promotion as Sub-Inspector, for the year 2000 and the representation made by him to the Commissioner of Police on 22.09.2014 was rejected.

5.The learned Additional Advocate General appearing for the respondents, based upon the counter affidavit and three additional typed set of papers filed by the petitioner would contend that the original tabular column of



marks awarded by the three officers viz., Commissioner of Police, Superintendent of Police and Deputy Commissioner of Police as well as the original tabular sheet at the time of interview, touching upon skill test, viva voce and command test have been filed by way of typed set. In respect of the year 1999-2000, the position as could be seen from the additional typed set of papers referred to by learned Additional Advocate General reads as under:

“The marks and the average of the marks awarded to the writ petitioner by the Chairman and Members of the Board for the year 1999-2000 are tabulated below:

1. Drill Test

Marks awarded by	Drill Test			Total
	<i>Turn out (5 marks)</i>	<i>Instructions in squad/Arms/Lathi drill (5 marks)</i>	<i>Words of cessed (5 marks)</i>	
<i>Chairman</i>	3	4	4	11
<i>Member – I</i>	3	3	2	8
<i>Member – II</i>	3	0	1	4
<i>Total</i>	9	7	7	23
<i>Average marks is $9/3 = 3$, $7/3 = 2.33$, $7/3 = 2.33$</i>				

2. Viva voce

Marks awarded by	Vivo-voce (knowledge of Police routine & G.K) (5 marks)	Total
<i>Chairman</i>	3	3
<i>Member – I</i>	3	3
<i>Member – II</i>	1	1
<i>Total</i>	7	7
<i>Average mark is $3/3=1$, $3/3=1$, $1/3=0.33 = 2.33$</i>		



3.Extra points for consideration:
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Extra points for consideration				Total
Marks awarded by	Detective ability (2 marks)	Sports activities (1 mark)	Participation in duty meet (2 marks)	
<i>Chairman</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>2</i>
<i>Member – I</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Member – II</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>1</i>
<i>Total</i>	<i>4</i>	<i>0</i>	<i>0</i>	<i>4</i>
<i>Average mark is</i> $4/3=1.33, 0/3=0, 0/3=0 \quad 1.33$				

4.Service records:

Marks awarded by	Service records			Total
	Rewards (10 marks)	Clean defaulter sheet (10 marks)	Length of service as HC (5 marks)	
<i>Chairman</i>	<i>7</i>	<i>10</i>	<i>0</i>	<i>17</i>
<i>Member – I</i>	<i>7</i>	<i>10</i>	<i>0</i>	<i>17</i>
<i>Member – II</i>	<i>7</i>	<i>10</i>	<i>0</i>	<i>17</i>
<i>Total</i>	<i>21</i>	<i>30</i>	<i>0</i>	<i>51</i>
<i>Average marks is</i> $21/3=7, 30/3=10, 0/3=0 \quad 17.00$				



The details of his marks and average in the examination for promotion as Sub Inspector of Police (Armed Reserve) for the year 1999-2000 are given below:-

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S.No.	Tests	Marks prescribed	Marks obtained by the Writ petitioner
1	Written Test	50	31.0
2	Drill Test		
	a. Turn out	5	3.00
	b. Lathi drill	5	2.33
	c. Word of comments	5	2.33
3	Viva voce	5	2.33
4	Extra points for consideration		
	a. Detective ability	2	1.33
	b. Sports	1	0
	c. Participated in duty meets	2	0
5	Service Records		
	a. Rewards	10	7.00
	b. Clean defaulter sheet	10	10.00
	c. Length of service	5	0
	Toal	100	59.2

The total mark of 59.2 obtained by the petitioner was below the cut off mark of 62.09, resulting in the petitioner not being selected for promotion as Sub Inspector of Police (Armed Reserve) for the year 1999-2000 in Chennai City Range. The “C” list was drawn for eligible police personnel for the year 1999-2000. The same procedure was applied to all participants, including the Writ Petitioner.”



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6.The impugned order was passed rejecting the claim of the petitioner on the ground that the writ petitioner did not reach the cut off marks in the Range Promotion Board for the year 1999-2000 by stating that the petitioner has secured only 59.2 marks (31 in the written test and 28.2 in the viva). In the impugned order dated 09.03.2015 it is further observed that the cut off marks for the year 1999-2000 for the promotion of Sub Inspector was 62.9 and the petitioner has secured only 59.2 and hence the petitioner is not eligible for promotion. Paragraph No.4 of the impugned order is also with regard to Range Promotion Board for the year 2003, wherein it is stated that the petitioner has secured only 64.25 as against the required cut off marks of 75.

7.According to the learned senior counsel for the petitioner, awarding of marks by the three members in the Board was improper, while the senior officer viz., Commissioner of Police has granted marks, another officer from the very same department did not award marks proportionate to the petitioner's performance. The Range Promotional Board did not follow the proper procedure in maintaining a valid panel.

8.Per contra, learned Additional Advocate General would contend that the representation was made belatedly, order has been passed in the representation and he filed Writ Petition only in the year 2015 alleging non selection to the



promotional post the Sub-Inspector for the year 1999-2000 with the delay of fifteen years.

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9. Heard the learned counsel appearing on either sides and perused the available records.

10. The learned Additional Advocate General relied upon the order of this Court made in W.P.No.25988 of 2018 dated 26.10.2022 (*M.Sundaram Vs. The Commissioner of Police and another*) and in W.P.No.10439 of 2017 dated 17.10.2022 (*P.Muthukumar Vs. The Director General of Police and two others*), in which the very same set of non-selection for the promotional post of Sub Inspector of Police (AR) of the year 1999-2000 from the list of Head Constables (AR) is the subject matter, wherein my brother Hon'ble Mr.Justice S.M.Subramaniam has observed that the petitioner has secured less marks than the selected candidates and also expressed that the very same impugned proceedings is conducted in accordance with law and the court has observed that “*this Court do not find any infirmity in respect of the deliberations made by the authorities with reference to the directions issued by this Court in the writ petitions earlier filed by the writ petitioner*”.

11. After going through the above two orders, I find that the claim of the writ petitioner has been instituted after lapse of many years. In the instant case,

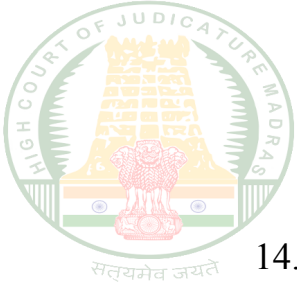


it is more than fifteen years and hence, I find that the writ petition is hit by delay and laches.

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12. On the factual ground after going through the statistics and marks awarded in the gradation marks details with regard to drill test, viva-voce, extra points for consideration, service records and length of service, the total marks obtained by the petitioner comes to 59.2, whereas the cut off mark is 62.09, this Court does not find any infirmity in respect of deliberation made by the authorities with reference to the directions issued by this Court in connection with other cases.

13. One of the contentions of the learned senior counsel for the petitioner is that in respect of two candidates when this Court has issued notice to the respondents, they consider their names and included their names and the same benefit could be extended to the petitioner herein. In the incident referred to, the candidates have secured more marks than the selected candidates and hence, the official respondents have corrected their stand. In the instant case, the tabular column as extracted supra, demonstrated the marks awarded by different members in the panel to the petitioner, which is not more than the cut off marks. It appears that for the year 2002-2003 and 2005, the petitioner contested and subsequently he was promoted. After going through the records, I find that the petitioner has not made out the case to interfere with the impugned order.



14. Accordingly, this Writ Petition is dismissed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Director General of Police
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007



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RMT.TEEKAA RAMAN J.

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**Pre-delivery order made in
WP No. 41072 of 2016**

Dated: 25.04.2025