



W.P.No.17472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.03.2025**

CORAM

THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

WP NO. 17472 of 2023

S.Bhuvaneshwari

.....Petitioner(s)

Vs

1.The District General of Police,
No.27VH + 776, D.G.P. Office,
Kailasapuram,
Mylapore,
Chennai - 600 005.

2.The Commissioner of Police,
Greater Chennai Police,
No.132, EVP Sampath Road,
Vepery,
Periamet,
Chennai - 600 007.

3.The Tamil Nadu Uniformed Services
Recruitment Board,
Old COP Office Campus,
Pantheon Road,
Egmore,
Chennai - 600 088

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the proceedings of the 1st respondent vide his proceedings in C.No.D1/884/2023 and quash the impugned order dated 29.03.2023 as illegal and for a direction, directing the respondents



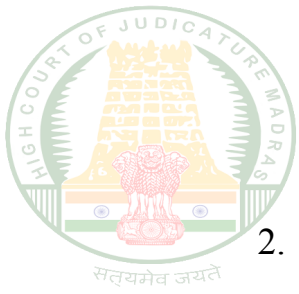
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to consider the appointment of the petitioner to the post of Sub-Inspector under the 10% quota for Wards and Dependents of the existing Police as per the Lr.No.58344/Pol.III/ 2004-4 dated 19.07.2004 by offsetting the 10% vacancies reserved in the Notification vide Na.Ka.No.A1/4500/01 against the future vacancies by relaxing the maximum age limit at the back date when the vacancies arose subsequently, considering the petitioners' representation dated 01.03.2023.

For Petitioner(s)	: M/s.Karthikaa Ashok
For Respondent(s)	: Mr. C.Meera Arumugam for R1 and R2 Additional Government Pleader Mr.D.Soumi Dattan for R3 Standing Counsel

ORDER

This petition has been filed to issue a writ of certiorarified mandamus to call for the proceedings of the 1st Respondent vide his proceedings in C.No.D1/884/2023 and to Quash the Impugned Order dated 29-03-2023 as illegal and for a direction, directing the Respondents to consider the appointment of the Petitioner to the post of Sub-Inspector under the 10% Quota for Wards and Dependants of the existing Police as per the Lr.No.58344/Pol.III/ 2004-4 dated 19-07-2004 by off setting the 10% vacancies reserved in the Notification vide Na.Ka.No.A1/4500/01 against the future vacancies by relaxing the maximum age limit at the back date when the vacancies arose and subsequently, considering the petitioners' Representation dated 01-03-2023.

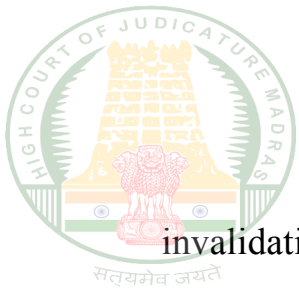


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2. The case of the petitioner is that husband of the petitioner

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Mr. Shivakumar is the Police Constable who was appointed in the Armed Reserve of Tamil Nadu Police, and now posted as Head Constable of Poonamallee Traffic Investigation. The petitioner is holding Master's Degree and having great aspiration to be a Police Woman. In the year 2001, a Notification in Na.Ka.No.A1/4500/01 had been called for to fill up 981 vacancies in the Post of Women Sub-Inspector. The specific clause in the Notification is that 10% of posts are reserved under the category of wards and dependants. The petitioner is the dependent of the existing Police Constable and applied under the category of wards and Dependants Quota. In the Written examination, petitioner scored 45-50 marks and during the Selection process was on going, one of the candidate who applied for the post of Men Police had challenged the Reservation of 10% in O.A.No.2861 of 2003 before the Tamil Nadu Administrative Tribunal. Challenging the same, WP.No.26637 of 2003 has been filed, this Court affirmed the view of the Tribunal and expressed that the reservation of 10% of Quota for wards and dependants as invalid. As against the Order of the this Court in WP.No.26637 of 2003, the State of Tamil Nadu has preferred an Special Leave Petition in SLP (Civil) No.16014 of 2004 before the Hon'ble Apex Court by an Order dated 28-02-2005 in Civil Appeal No.1453 of 2005, set aside the part of the Order of this Court



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invalidating the policy decision on reservation of 10% posts on the ground that

the said issue was not a matter in dispute before this Court. Meanwhile, the respondents filled the post, without adopting the Quota reservation of 10% for Wards and Dependants. Such an exercise of filling in the post of Women Sub-Inspector of Police for the Batch 2001-2002, was done as per the instructions given by the Government, vide Letter No.58344/Pol.III/ 2004-4 dated 19-07-2004. In the said Letter the instruction was specific as follows:-

"...(iii) If the decision of the Supreme Court of India in the Special Leave Petition goes in favour of the State, i.e. 10% reservation to the wards / dependents of serving Police personnel, etc., then to resort to separate special recruitment to fill up the vacancies meant for wards / dependents of serving Police / Prison personnel, etc., by off-setting the 10% vacancies against the future vacancies that may arise.."

3. As per the above instructions, the petitioner was asked to wait for the Judgement and the Civil Appeal ended in petitioner's favour setting aside the Order of this Court, invalidating the policy of 10% reservation to wards and dependants by an Order dated 28-02-2005. Subsequently, the wards and Dependants Quota reservation was followed by the respondents Department while filling up the vacancies, but the instruction given to off-set the future



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vacancies was not adhered by the Department. Challenging the same, the

petitioner filed a writ petition in W.P. Nos. 22796 of 2006, 13994 and 13995 of 2010 and the same were dismissed on the ground that marks are lesser as against the cut-off of 50 marks for general B.C. candidate. Against, the orders passed in above Writ Petition Nos. 13994 and 13995 of 2010, the petitioner preferred a Writ Appeal in W.A.Nos.1551 and 1552 of 2015 which was also dismissed that the petitioner is not eligible under the general B.C. quota, whereas, the claim of the petitioner under the 10% quota for wards and dependants case, which is left unanswered. After the dismissal of the Writ Petition questioning the selection process, the petitioner represented for consideration for her appointment in the year 2006 or in the year 2010, which is still unanswered. Despite several requests, the appointments in the year 2006 or in the year 2010 is not considered. Due to the respondent's unattendance to consider the petitioner's request, the petitioner is now aged about 45 years, which is above the cut-off age.

4. Despite several requests made in the office of the respondents to consider for petitioner's appointment, the respondents never been kind to attend the grievance, simply on wrong understanding keeps the petitioner in general backward class and relies on her mark as against the general backward class, whereas the petitioner's application was under the 10% reservation for Ward



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and Dependants Quota. Finally, on 01-03-2023, the petitioner submitted a

representation requesting to consider her appointment to the post of women Sub-Inspector of Police, which is still pending without any consideration. Aggrieved by the respondents inaction, the petitioner filed a Writ Petition No.9566 of 2023 to consider her representation and it is still pending before this Court. Pending the above writ petition, the respondents issued the impugned order dated 29-03-2023 rejecting her claim as ineligible candidate which is rise of the present writ petition.

5. The learned counsel for the petitioner submits that the petitioner's application were prior to the G.O.Ms.No.67 dated 22.01.2010, which the respondent cannot deny the petitioner's right with the subsequent G.O and considering the petitioner as ineligible for the post is incorrect on the part of the respondents. The impugned order issued by the respondent to the petitioner rejecting her appointment passed on the subsequent G.O. cannot be substantiated as it can be taken only for prospective candidates. hence, prays to allow the present writ petition.

6.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner's claim for reservation in the recruitment to the post of Sub Inspector under 10% quota will be provided for dependants of the serving Police personnel. The learned counsel has also



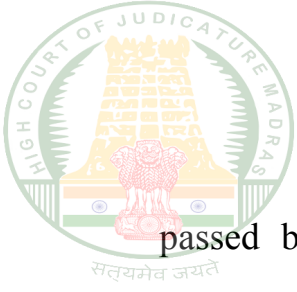
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brought to the notice of this Court to the order made in W.P.Nos.22769 of 2006,

WEB 13994 & 13995 of 2010 dated 16.12.2011, wherein, it is clearly observed that the petitioner had obtained 45.50 marks as against the cut off mark of 50 for candidates under BC category and hence, dismissed the writ petition. The said order was challenged by the petitioner in WA.No.1551 to 1553 of 2015 and the same was dismissed by the Division Bench of this Court vide order dated 27.07.2017. Thereafter, the petitioner made a representation dated 01.03.2023 to the respondents and filed a writ petition in W.P.No.9566 of 2023. Pending writ petition, the first respondent has passed the impugned order dated 29.03.2023. Hence, prays to dismiss the writ petition.

7. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

8. On perusal of the records, this Court finds that the case of the petitioner was elaborately discussed and decided in the earlier writ petitions filed by her and the same was also confirmed by the Division Bench of this Court. At this time, the petitioner is aged about 45 years and she has also crossed the age limit for appointment to the post of Sub Inspector. While so, the petitioner is challenging the recruitment notification of the year 2004, by submitting a representation dated 01.03.2023, after exhausting all the remedies available to her. If the petitioner is actually aggrieved by any of the orders



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passed by the Government, it is open for the petitioner to challenge the

Government order in GO.Ms.No.67 Home (Police-3) Department dated 22.01.2010 for making certain changes in the recruitment process under 10% reservation for wards of Police personnel.

9. With the above observation, this writ petition is dismissed. No costs.

04.03.2025

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

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