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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.03.2025

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

W.P.No.26545 of 2024

and

W.M.P.Nos.29049 & 29050 of 2024

B.Mahalakshmi

.. Petitioner

Vs.

- 1.The State,
Rep. by its Secretary,
Home, Prohibition and Excise Department,
St. Fort George, Chennai – 600 009.
- 2.The Additional Chief Secretary,
Home, Prohibition and Excise Department,
St. Fort George, Chennai – 600 009.
- 3.The Director General of Police,
And Head of Police Force,
Mylapore, Chennai – 600 004.
- 4.Deputy Inspector General of Police,
Thanjavur Range, Thanjavur District.
- 5.The Superintendent of Police,
Office of District Police Office,
Tiruvarur, Tiruvarur 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 4th respondent having reference No.CNo.B2/Appeal – 04/2023 dated 17.07.2023 by confirming the order of the 5th respondent having reference number T.P.No.K2/62/2002 Rule 3(A) dated 03.11.2022 and to quash the same and consequently direct the 4th respondent to pass appropriate orders by including the name of the petitioner in the promotional list for the post of Inspector of Police for the year 2022 – 2023 and grant all attendant and monetary benefits to the petitioner for the promotional venue of Inspector of Police.

For Petitioner .. Mr.R.Venkata Varathan

For Respondents .. Mr.S.Yashwanth, AGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the 4th respondent dated 17.07.2023 by which order, the order of the 5th respondent dated 03.11.2022 had been confirmed and to quash both and direct the 4th respondent to include the name of the petitioner in the promotion list for the post of Inspector of Police for year 2022 – 2023.



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2. In the affidavit filed in support of the writ petition, it had been contended that the writ petitioner had joined the police force on 02.06.2008 as Sub-Inspector of Police through direct recruitment. In the year 2019, she was served with a summon from the State Human Rights Commission along with the copy of a representation dated 18.06.2018 submitted by Indian Ladies National Group at Thiruthuraipoondi represented by its Secretary. Owing to the various allegations raised in that particular representation for which the petitioner had given an explanation, the State Human Rights Commission in S.H.R.C Case No.5675 of 2018 conducted an enquiry and directed the Government to pay a compensation of Rs.25,000/- and further stated that the said compensation could be recovered from the petitioner herein.

3. The petitioner, filed W.P.No.22426 of 2022 questioning such directions issued and a learned Single Judge of this Court by an order dated 24.02.2023 had allowed the writ petition and had set aside the order of the State Human Rights Commission. In effect, the status quo ante had been restored and it is as if no such representation had been given by any



organization as against the petitioner herein as the order of the State Human Rights Commission has been termed as a nullity.

4.The respondents can never therefore proceed against the petitioner on the basis of such order. The respondents had paid the compensation and it had also been recovered from the petitioner herein. However, the respondents proceeded with the disciplinary proceedings and had imposed a punishment of increment cut against the petitioner herein. That disciplinary proceedings had been initiated only on the basis of the representation given before the State Human Rights Commission and the orders passed by the State Human Rights Commission, which order had been declared to be a nullity and set aside by the learned Single Judge of this Court, and which order had attained finality. Naturally, the entire disciplinary proceedings will have to abide by the order of this Court, by which the order of the State Human Rights Commission had been set aside.

5.However, on behalf of the respondents, it is contended that questioning the punishment, the petitioner had filed a revision before the Government and the same is pending. The said revision would now become



otiose, as since, once again the same aspects will have to be examined namely, the effect of the order in W.P.No.22426 of 2022 dated 24.02.2023 viz-a-viz the order of the State Human Rights Commission and the propriety of initiating disciplinary proceedings in the face of the order of the State Human Rights Commission being declared as a nullity and being set aside by this Court. Effectively, the petitioner stands eligible to be considered for the next promotion, if she is otherwise eligible.

6.In view of all these reasons, a direction is issued to the respondents to consider the petitioner for the promotion to the post of Inspector of Police in the panel 2022 – 2023 and the respondents are directed to include her in the said panel provided she is otherwise eligible and promote her, if she is otherwise eligible. The Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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Index:Yes/No
Internet:Yes/No



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- 1.The Secretary,
Home, Prohibition and Excise Department,
St. Fort George, Chennai – 600 009.
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Home, Prohibition and Excise Department,
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- 3.The Director General of Police,
And Head of Police Force,
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C.V.KARTHIKEYAN,J.

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