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W.A.No. 587 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 587 of 2025
and
C.M.P.No. 4700 of 2025

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

2.The Additional Director General
of Police (Administration)
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Appellants

Vs.

S.Raja

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.03.2024 made in W.P.No.1798 of 2021.

For Appellants : Mr.P.Kumaresan
Additional Advocate General assisted by
Mr.K.H.Ravi Kumar, Govt. Advocate



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J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We do not see any case of interference with the order of the learned single Judge.

2. The respondent, who was appointed as a directly recruited Sub-Inspector took training in the Police Academy for one year and also took the examinations conducted by the Police Academy. In the first attempt, he appeared for 6 subjects out of 15 subjects and obtained 497.92 marks. Based on the said marks, his seniority was fixed at Serial No.392. The respondent appeared in the supplementary examination for the subjects which he had not appeared earlier and, as a result of the marks obtained by him in the supplementary examination, the total marks that he secured in the final examination rose up to 977.42. Seeking fixation of seniority on the basis of the marks obtained by him in both the examinations, the petitioner made a representation. Claiming that the said representation was not considered, the petitioner came up with a prayer for mandamus. The Writ Court had allowed the prayer. Aggrieved, the Department is on appeal.



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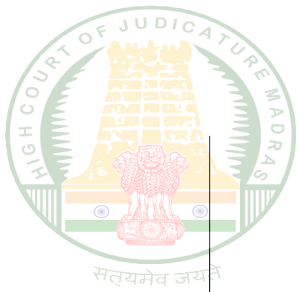
3. We have heard Mr.P.Kumaresan, learned Additional Advocate General appearing for the appellants.

4. Mr.P.Kumaresan, learned Additional Advocate General would vehemently contend that a combined reading of Rule 18(a) & 25(a) of the Special Rules for Tamilnadu Police Subordinate Service would only mean that the marks that are to be taken for fixation of seniority will be the marks obtained in the first attempt in the final examination and not in the subsequent attempt/s. Rule 18(a) which deals with training and examination of probationers reads as follows:-

18. (a) Probationers who have to undergo training and their pay

Probationers shall undergo training and examination as follows within the period of their probation, and their pay during the period shall be as indicated below:

<i>Probation (1)</i>	<i>Course of training (2)</i>	<i>Pay (3)</i>
<i>(1) Sub-Inspectors recruited direct or by recruitment transfer from other by any service (category 2 of class 1)</i>	<i>(i) Course of training for one Police year in the Training Chennai, College, and examination in the subjects prescribed for the course.</i>	<i>During the period of training in the college and during the period of practical training otherwise than in independent charge of a Police Station in the</i>



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A probationer shall have two chances for passing the examinations, one at the end of the course and the second six months hence:

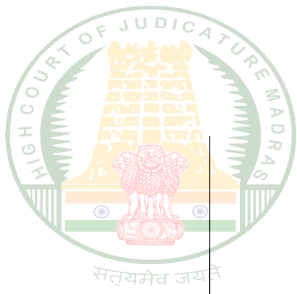
Provided that the Director-General of Police may, for adequate reasons to be recorded in writing, allow a probationer a third chance to pass the examination.

(The deficiency in the period of training of a fresh probationer appointed in the place of a first recruit within three months after the opening of the college shall be disregarded)

(ii) After the above course, practical training for one year and six months, including independent charge of a Police Station for not less than one year and an oral examination in practice held by the Superintendent of

minimum time scale of pay.

During the period of practical training in independent charge of a Police Station and thereafter during the period of probation, the minimum pay in the time scale of pay.



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*Police in the mofussil
and by a Deputy
Commissioner under
the orders of the
Commissioner of Police
in the City of Chennai.*

5. Rule 25(a) of the said rules are deals with seniority reads as follows:-

"25.Seniority

a) The seniority of a person in any class or category of the service shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank obtained by him in the list of approved candidates drawn up by the appointing authority, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins duty irrespective of his seniority, unless he has been appointed temporarily under sub rule (d) of Rule 10 or sub rule (b) of Rule 15, as the case may be."



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6. The provisos 2 to 7 are not very germane for our purposes. It is the first proviso that governs the issue. The first proviso reads as follows:-

"Provided that in the case of Sub Inspectors (recruited direct) (Category 2 of Class I) 1) the seniority shall be fixed on the basis of the marks obtained by them in the final examination in the Police Training College, Chennai."

7. According to the learned Additional Advocate General appearing for the appellants, the effect of proviso to Rule 25(a) is that the seniority will be fixed on the basis of the marks obtained in the first attempt of the final examination only. We are unable to read the Rule as suggested by the learned Additional Advocate General. While Rule 18 provides for training and examination, it also provides that a probationer shall have two chances for passing the examinations. One at the end of the course and the second within six months thereafter. The third chance is also allowed at the discretion of the Director General of Police for adequate reasons.



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8. Proviso to Rule 25(a) makes it clear that the seniority will be fixed on the basis of the marks obtained in the final examination. The said proviso does not make a distinction between the attempts made in the final examination. Therefore, it was open to the Examinee to write a few subjects in the first attempt and reserve others for a later attempt of the supplementary examination. If he chooses to do so, the total marks obtained in the final examination alone shall be taken into account for the fixation of seniority unless there is a specific provision in the Rules which expressly indicate that the marks taken in the first attempt alone will be taken for the purposes of the fixation of the seniority. Therefore, we see no merit in the first contention of the learned Additional Advocate General.

9. It is next sought to be contended by the learned Additional Advocate General that the representation of the petitioner was rejected by an order and the said order has not been challenged. We have gone through the copy of the said order and the said order militates against the rules in force. Therefore, the fact that the recruit / respondent has not challenged those orders will not disentitle him from seeking the relief of mandamus.

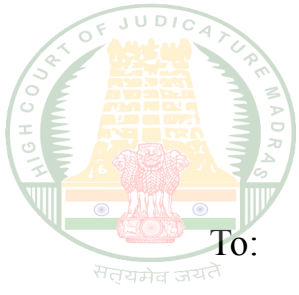


10. Hence, we see no reason to interfere with the order of the learned single Judge. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
03.03.2025

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Index: No
Speaking order
Neutral Citation : No



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