



WEB COPY



W.A.No.313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

.THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.313 of 2025

J.Rajkumar

... Appellant

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
(Home III Police) Department,
Secretariat, Chennai - 600 005.

2.The Director General of Police,
Tamil Nadu Uniform Services Recruit Board,
P.T.Lee Chengalvarayar Nayakar Trust,
2nd Floor No.807, Mount Road,
Chennai - 600 002.

3.The Director General of Police,
(Head of Police Force),
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 29.04.2024 made in W.P.No.18911 of 2021.

For Appellant : Mr.P.Chandrasekar

For Respondents : Mr.K.H.Ravi Kumar, Government Advocate



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J U D G M E N T

WEB COPY(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The appellant was favoured with an order appointing him as Grade-II Police Constable on compassionate grounds on 01.07.2002. The father of the petitioner, who was working as Grade-I Police Constable died while in service in the year 1996. The appellant's mother made an application seeking compassionate appointment on 30.12.1996 disclosing the educational qualification of the appellant as +2, since he was pursuing his graduation during the relevant period.

2. On receipt of the application, the respondents placed the appellant in the waiting list for the post of Junior Assistant. Since there were not many vacancies in the post of Junior Assistant in order to expedite the compassionate appointment, the appellant was directed to appear for special selection of Grade-II Police Constable to be held on 29.02.2000. Pursuant to the said selection, the appellant was appointed as aforesaid. The appellant also accepted the offer and joined the Department as a Grade-II Police Constable.

3. However, he woke up after about 11 years and filed a Writ Petition in



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the year 2012 seeking appointment as Sub-Inspector contending that he was qualified to be appointed as Sub-Inspector, even on the date of his appointment as Grade-II Police Constable. Since this Court issued a Mandamus directing the Authorities to consider his request, the Authorities considered his request and by the order impugned in the Writ Petition dated 05.05.2021 rejected the same.

4. The writ Court dismissed the Writ Petition on the ground that the appellant having applied for appointment under the compassionate grounds in the year 1996, when he possessed the qualification for appointment as Junior Assistant or Grade-II Police Constable, cannot now turn around on the basis of acquisition of a further qualification and seek appointment as Sub-Inspector. The Court also found that the appellant is guilty of delay and laches, in as much as, he had chosen to approach the Court only in the year 2013 seeking Mandamus.

5. Mr.P.Chandrasekar, learned counsel appearing for the appellant would however contend that once he had acquired the qualification for being appointed as Sub-Inspector in the year 2000, he should have been considered for appointment as Sub-Inspector, even at the time of his initial appointment.



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6. We are unable to countenance the said submission of the learned counsel of appellant. Much water has flown under the bridge. Admittedly, the appellant had qualification for being appointed as a Grade-II Police Constable on the date of his application in the year 1996, but, before the appointment could fructify, he had obtained a bachelors degree, which is a qualification for being appointed as Sub-Inspector. It is not the case of the appellant that he brought this fact to the notice of the Department and sought for appointment as Sub-Inspector when the post of Grade-II Police Constable was offered to him in the year 2000. He accepted it, and he moved this Court after 11 years only in the year 2013 seeking aMandamus. We are therefore unable to fault the writ Court for having rejected the claim of the appellant.

7. Hence, the Writ Appeal is **dismissed**. No costs.

8. The learned counsel for the appellant would point out that because of the fact that the appellant had filed these Writ Petitions, he has not been considered for promotion, which he would be otherwise entitled to. We make it



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clear that if the appellant is entitled to any other promotion as per the existing

Rules. The Department will not hold the filing of the Writ Petitions against him and the appellant will be favoured with promotions, which he is entitled to as per the Rules that are in force.

(R.S.M.,J.) (G.A.M.,J.)
19.02.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

- 1.The Secretary to Government,
State of Tamil Nadu,
(Home III Police) Department,
Secretariat, Chennai - 600 005.
- 2.The Director General of Police,
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