



W.P.(MD)No.22664 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD) No.22664 of 2022

S.Karthikeyan
S/o.M.Senthamarai,
PC-Grade-II,
PC No.1945,
District AR Police Office,
Theni District.

... Petitioner

vs.

1.The Director General of Police,
O/o. the Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai.

2.The Superintendent of Police,
Theni District,
Theni.

3.The Commandant,
TN Special Police VI Battalion,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to consider and decide the petitioner representation made to 1st respondent for re-fixing the seniority by placing the petitioner's name in the appropriate place in the select list of Grade II Police Constable drawn for the year 2007-2008 along with his batch-mates including promotion.



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For Petitioner :Mr.S.M.A.Jinnah

For Respondents :Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed with the following prayer:-

‘to issue a Writ of Mandamus, to consider and decide the petitioner representation made to 1st respondent for re-fixing the seniority by placing his name in the appropriate place in the select list of Grade II Police Constable drawn for the year 2007-2008 along with his batch-mates including promotion.’”

2.The facts of the case in a nutshell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

a) The petitioner's father, who was working as Police Constable, died on 27.01.2004. Therefore, in pursuance of the Government Order made in G.O.(4D) No.72, Home (Pol.15) Department, dated 01.08.2007, the petitioner applied for the post of Grade II Police Constable on compassionate ground among the candidates, who are wait listed for the post of Junior Assistant/Typist. Even though, the petitioner passed the physical examination, he was not given any appointment order and was informed that the appointment order cannot be passed in favour of the petitioner, as he was involved in a criminal case in CC.No.239 of 2003.



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b) It was further averred that at the time of trial in CC.No.239 of 2003, the petitioner was juvenile and the trial Court, vide judgment dated 26.08.2003, acquitted the petitioner on the ground that the prosecution did not prove the case against the petitioner beyond any reasonable doubt. Thereafter, the petitioner filed a writ petition bearing W.P.(MD) No.11660 of 2008 before the Hon'ble Writ Court with the prayer to appoint him as Police Constable Grade II with consequential benefits and the Hon'ble Writ Court, vide judgment and order dated 04.12.2012, had disposed of the said writ petition with the following directions:-

“12. Accordingly, the writ petition is allowed and the respondents are directed to consider the case of the petitioner for appointment to the post of Grade II Police Constable, if the petitioner is otherwise fully qualified to the said post. The respondents shall pass suitable orders within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition closed. No costs.”

c) In compliance of the judgment and order made in W.P.(MD) No. 11660 of 2008, dated 04.12.2012, the petitioner was issued with an appointment order by the Commandant, TSP 3rd Bn.Veerapuram, Chennai 55, in C.No.A1/4601/2012, dated 23.03.2013, pursuant to which, the petitioner joined duty in the Month of March, 2013 and is now presently working as Police Constable in District AR Police Office, Theni District. Thus, seeking to re-fix his seniority, the petitioner had made several representations to the



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respondents and the last representation was dated 11.05.2021, but neither the seniority was re-fixed nor the representations of the petitioner were considered so far. Thus, being no other alternative, the petitioner has filed the present Writ Petition seeking the relief as stated supra.

3.Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

4.The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that in spite of more than four years have lapsed, the respondents are sitting tight over the matter and had not passed any positive order in favour of the petitioner. Thus, he submits that the respondents may be directed to consider the claim of the petitioner in accordance with law within the time stipulated by this Court.

5.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents submits that the respondents have considered the claim and grievances of the petitioner and have rejected the claim of the petitioner on merits and in accordance with law by way of a reasoned and a speaking order. In this regard, he produced a



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copy of the decision taken by the second respondent, dated 30.11.2021 before this Court, which is now taken on record. A copy of the order passed by the second respondent, dated 30.11.2021, has also been given to the learned counsel for the petitioner.

6.Thus, the learned Additional Government Pleader for the respondents submits that the relief sought for in the writ petition has now become infructuous and no relief can be granted in the present writ petition, as the respondents have already rejected the claim of the petitioner on merits and in accordance with law by way of a reasoned and a speaking order, vide order dated 30.11.2021 and the present writ petition may also be dismissed. It was further submitted that if the petitioner is aggrieved by the order dated 30.11.2021, he can challenge the same before the competent Court of law.

7.Mr.S.M.A.Jinnah, learned counsel for the petitioner submits that he has received a copy of the order passed by the second respondent, dated 30.11.2021, by which, the claim of the petitioner has been rejected by way of a reasoned and a speaking order. Thus, he submits that he may be given liberty to challenge the aforesaid order before the competent Court of law and has no objection to dismiss the present Writ Petition also.



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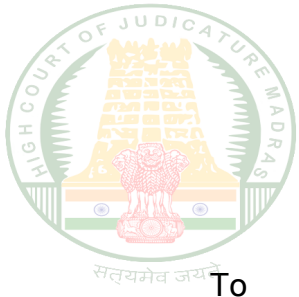
8. Accordingly, in view of the submissions made by the learned counsel for the parties and after perusing the records and averments made in the Writ Petition and after perusal of the order passed by the second respondent, dated 30.11.2021, by which, the claim of the petitioner has been rejected by way of a reasoned and a speaking order, this Court is of the view that the relief sought for in the present writ petition cannot be granted to the petitioner at this stage and no useful purpose will be served in keeping this Writ Petition pending before this Court, as the respondents have already rejected the claim of the petitioner on merits and in accordance with law by way of a reasoned and a speaking order, vide order dated 30.11.2021.

9. Thus, the Writ Petition stands dismissed with liberty to the petitioner to challenge the order passed by the second respondent, dated 30.11.2021, by which, the claim of the petitioner has been rejected by way of a reasoned and a speaking order, before the competent Court of law, if he is aggrieved by the same. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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To
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- 1.The Director General of Police,
O/o. the Director General of Police,
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Mylapore, Chennai.
- 2.The Superintendent of Police,
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SHAMIM AHMED, J.

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