



WEB COPY



WP(MD)No.29143 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.29143 of 2025 &  
WMP (MD).No.22572 of 2025

Saravanan

... Petitioner

/vs./

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

2.The Deputy Inspector General of Police,  
Madurai Range,  
Madurai District.

3.The Superintendent of Police,  
District Police Office,  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the reply made by the 3<sup>rd</sup> respondent in C.No.A2/E-11117064/2025, dated 23.07.2025 to quash the same and direct the respondents to revise and refix the seniority of the petitioner on par with his first batchmates recruited to the post of Gr-II PCs (Men) of the year 2001-02 & 2002-03 by considering his representation dated 16.07.2025 & 19.08.2025 within the period that may be stipulated by this Court.



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For Petitioner : Mr.V.Vishnu

WEB COPY For Respondents : Mr.F.Deepak Spl.G.P., for RR1 & R3

### **ORDER**

This Writ Petition had been filed to quash the impugned order passed by the third respondent and to direct the respondents to revise and refix the seniority of the petitioner on par with his first batch mates recruited to the post of Gr-II PCs (Men) of the year 2001-02 and 2002-03 by considering his representations dated 16.07.2025 and 19.08.2025 within the period that may be stipulated by this Court.

2. I have heard Mr.V.Vishnu, learned counsel appearing for the petitioner and Mr.F.Deepak, learned Special Government Pleader for the respondents.

3. Mr.V.Vishnu, learned counsel for the petitioner would submit that the petitioner had participated in the recruitment process which was initiated in the year 2001-02 for filling up 3500 vacancies in which the vacancies that arose in the year 2002-03 was also combined and a common recruitment was carried out for about 8431 vacancies. The petitioner's batch mates, who were selected along with the petitioner, were issued with training orders on 30.11.2003 and commenced their training on 01.12.2003. However, the petitioner was issued with



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an order of appointment only on 12.12.2003 without specifying any date for reporting to join duty. However, on receipt of the same, he had reported to join duty on 15.12.2003. The petitioners had been making over several representations to rectify and fix his seniority on par with his batch mates which was rejected by the third respondent referring to Section 40(6) of Tamil Nadu Government Servants (Conditions of Services) Act 2016. He would further submit that the limitation that has been prescribed in the said Provision do not apply to rectification of orders which had resulted from mistake of facts. He would submit that the delay was only because of the administrative reasons which cannot be attributed to the petitioner. He would further submit that had the petitioner been granted appointment orders and the orders of training as has been given to the other batch mates, the petitioner's seniority would not have been affected.

4. He would further submit that in view of the wrong fixation of seniority, the petitioner's right for being considered in future promotion is severely getting affected and therefore, he would submit that the orders impugned herein should be set aside and direct the respondent to revise and refix the seniority of the petitioner on par with his batch mates recruited in the post of Grade-II PCs by reconsidering his representations dated 16.07.2025 and 19.08.2025. He had also relied upon the judgment of the learned Single Judge in W.P.(MD).No.5356 of



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2023 in that regard.

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5. Countering his arguments, Mr.F.Deepak, learned Special Government Pleader on the other hand would submit that the seniority of the petitioner had been fixed based on the date of reporting him to duty. He would submit that such is not a mistake that has been committed as held in the judgment relied upon by the petitioner. He would submit that there was a mistake committed by the Department in not giving the appointment to the petitioner therein on the misconception that his vision was defective, that is not the case herein. Therefore, the Court had held to rectify the mistake, there is no question of limitation. But, in this present case, he would submit that there is no mistake and seniority was fixed from the date of his joining and the petitioner had not made any application within a period of 3 years from the date of his appointment nor he had made any application within three years from the date of fixing the seniority in the said cadre. Hence, he would submit that there is no error in the order impugned herein and pray this Court that the Writ Petition may be dismissed .

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.



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7. As rightly pointed out by the learned Special Government Pleader that the order made in W.P.(MD).No.5356 of 2023, dated 06.06.2023 cannot be made applicable to the facts of the present case, as the petitioner therein was denied appointment on a misconception that he had defective vision. In the present case, the petitioner had been given an appointment order, 13 days after his batch mates were given appointment and he had also joined the services on 15.12.2003. The petitioner had slept over his right and he had only made an application in the year 2025 beyond the said period of three years. Hence, Section 40 (6) squarely applies to the facts of the case and the exception carved out therein cannot be said to be applicable to the facts of the present case.

8. For the aforesaid reasons, this Court do not have any merits in the Writ Petition and accordingly, the same is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

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Index : Yes / No  
Internet : Yes / No  
Gba



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**K.KUMARESH BABU, J.**

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