

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2314/2010

ABBAS

APPELLANT

VERSUS

THE COMMISSIONER OF POLICE,
MADURAI CITY & ANR.

RESPONDENT(S)

O R D E R

This Civil Appeal is directed against the judgment and order dated 15.04.2008 passed in Writ Appeal (MD) No.154 of 2008, passed by Madurai Bench of the Madras High Court.

The appellant herein was appointed as a Grade-II Police Constable on 25.05.1988 and was promoted to the post of Head Constable on 28.10.2004. In the year 2006, Respondents have undertaken special recruitment drive to fill up the posts of Sub-Inspectors in the quota of 20% reservation, for Police Constables and Head Constables. When the application of the appellant to participate in the selection process was rejected, he filed Writ Petition before the High Court of Madras in Writ Petition

(MD) No.3357 of 2007, which was dismissed by learned Single Judge vide Order dated 14.02.2008. The said order was confirmed by the Division Bench in Writ Appeal (MD) No. 154 of 2008 vide order dated 15.04.2008. The said order is under challenge in this Civil Appeal.

As per G.O. Ms.No.1054 Home (Police III) Department, dated 13.07.1995, there is set procedure to fill up the vacancies in the reserved quota of 20% for the posts of Sub-Inspectors. As per the said procedure, selections are made by conducting physical efficiency test, written test and viva voce. The selections relate to the year 2006. It is the case of the appellant that the rejection of his candidature was not on any valid grounds, as such this Court may issue directions for his appointment as Sub-Inspector by giving all the benefits retrospectively. It is difficult to accede to such request, inasmuch as it is not a case of promotion and it is a case of selection for in-service candidates who were working as Police Constables and Head Constables at the relevant time. As the selections were made in the year pursuant to notification of 2006, no relief can be granted to the appellant at this point of time. As rightly observed by

the High Court in the impugned order, that if earlier orders passed in the disciplinary proceedings are modified, petitioner's case can be considered in the future recruitments, but at the same time, no relief can be granted in this appeal to the appellant.

For the aforesaid reasons and in view of the reasons assigned in the impugned order, we do not find any merit in this Civil Appeal, to interfere with the same.

The Civil Appeal is devoid of merits and the same is dismissed, with no order as to costs.

.....J
[R. SUBHASH REDDY]

.....J
[HRISHIKESH ROY]

NEW DELHI;
OCTOBER 27, 2021

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 2314/2010

ABBAS

Appellant(s)

VERSUS

THE COMMISSIONER OF POLICE, MADURAI CITY & ANR.

Respondent(s)

(IA No. 80647/2021 - EXEMPTION FROM FILING O.T. and IA No. 82385/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R. SUBHASH REDDY

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. G. Balaji, AOR
Ms. Shiva Vijaya Kumar, Adv.
Ms. Neha Syal, Adv.
Mr. Neeleshwar P., Adv.

For Respondent(s) Mr. V. Krishnamurthy, Sr. Adv.
Dr. Joseph Aristotle S., AOR
Ms. Preeti Singh, Adv.
Ms. Ripul Swati Kumari, Adv.

UPON hearing the counsel the Court made the following
O R D E RThe Civil Appeal is dismissed in terms of signed order.
Pending applications shall also stand disposed of.(RAJNI MUKHI)
COURT MASTER (SH)(RAM SUBHAG SINGH)
COURT MASTER (NSH)

(Signed order is placed on the file)