

ITEM NO.17 Court 4 (Video Conferencing) SECTION XII

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

Petition(s) for Special Leave to Appeal (C) No(s).15062/2021

(Arising out of impugned final judgment and order dated 16-04-2021 in WA No. 2771/2019 passed by the High Court of Judicature at Madras)

PRINCIPAL SECRETARY TO GOVERNMENT & ORS. Petitioner(s)

VERSUS

S. SUTHAKAR Respondent(s)

(FOR ADMISSION and I.R. and IA No.121122/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 27-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

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

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Mr V Giri, learned Senior Counsel appearing on behalf of the petitioners, submits that:

- (i) The respondent was appointed on the post of Sub-Inspector of Police (Armed Reserve) on 20 December 2007;
- (ii) Nearly five years thereafter in November 2012 , the respondent instituted a writ petition before the High Court to revise and refix the seniority after awarding three additional marks, which would result in a change of

category from Category II to Category I;

- (iii) The Single Judge was justified in dismissing the writ petition on the ground of delay since the selection list had been finalized several years earlier; and
- (iv) The Division Bench, while reversing the view of the Single Judge, has erroneously granted parity with another employee, R Alex, who had raised an objection at the earliest point in time and had, in fact, filed a writ petition for awarding additional marks in 2009.

2 Issue notice, returnable in twelve weeks.

3 Dasti, in addition, is permitted.

4 The respondent shall file a counter affidavit within a period of four weeks from the date of service.

5 Pending further orders, there shall be a stay of the operation of the impugned judgment of the High Court of Judicature at Madras dated 16 April 2021 in WA No 2771 of 2019.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER