

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

WRIT PETITION NO.9216 OF 2013

and

MP.NO.1 OF 2013

M.Jayaprakash

...Petitioner

Vs

1. The Director General of Police,
Dr.Rathakrishnan Salai,
Mylapore, Chennai-600 004.
2. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Anna Salai, Chennai - 600 002.
3. The Superintendent of Police,
Sivagangai District,
Sivagangai.

...Respondents

PETITION under Article 226 of The Constitution of India seeking issue of a Writ of Certiorarified Mandamus to call for the records in pertaining to the order passed by the third Respondent in Na.Ka.No.A3/11758/2012 dated 15.02.2012 and to quash the same and to direct the Respondents to appoint the petitioner herein in Registration No.2900325 for the post of Police Constable, Grade-II as per the selection based on the notification issued by the second Respondent for the recruitment of Police Constable, Grade-II from the year 2011-2012.

For Petitioner : Mr.M.Sathishkumar

For Respondents : Mr.V.Subbiah, Spl.G.P.

O R D E R

The petitioner has come up with the above writ petition, challenging an order passed by the Superintendent of Police, rejecting his candidature for appointment to the post of Police Constable Grade-II, on the ground that he was involved earlier in a criminal case.

2. I have heard Mr.M.Sathishkumar, learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, appearing for the Respondents.

3. The fact that the petitioner participated in the selection for appointment to the post of Police Constable Grade-II for the year 2012 and the fact that he was shortlisted for appointment are not in dispute. However, while verifying the antecedence of the petitioner, the respondents came to know that he was implicated in a criminal case in C.C.No.337 of 2008, on the file of the District Munsif-cum-Judicial Magistrate, Manamadurai, for the alleged offences under Sections 147, 148, 341, 323, 324 and 506(ii) IPC. Ultimately, the case ended in acquittal by a judgment dated 11.10.2012 in C.C.No.337 of 2008. Therefore, the respondents rejected the claim of the petitioner on the basis of the decision of the Full Bench of this Court in K.Manikandan vs. Chairman, Tamil Nadu Uniformed Services Recruitment Board [2008 (2) CTC 97]. Therefore, the petitioner has come up with the above writ petition, challenging the order deleting his name in the list of selectees.

4. The learned counsel for the petitioner relies upon the decision of a learned Judge of this Court rendered in a batch of writ petitions on 22.3.2013. But, unfortunately for the petitioner, after several decisions either following distinguishing/extinguishing the case of Manikandan, the matter was referred to a Larger Bench of this Court. The Larger Bench of this Court has now set at rest the issue in J.Alex Pon Seelan vs. The Director General of Police [2014 (2) CTC 337]. Therefore, the order of rejection cannot be found fault with.

5. Moreover, the Criminal Case was pending against the petitioner from the year 2008. He was acquitted only on 11.10.2012. In Column No.29 of the application form (OMR sheet) the petitioner has given the answer 'No' to the question whether any criminal case was pending against him. Therefore, he is also guilty of suppression of material particulars.

6. Hence, the writ petition is dismissed. There will be no order as to costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar
Dated:12.3.15

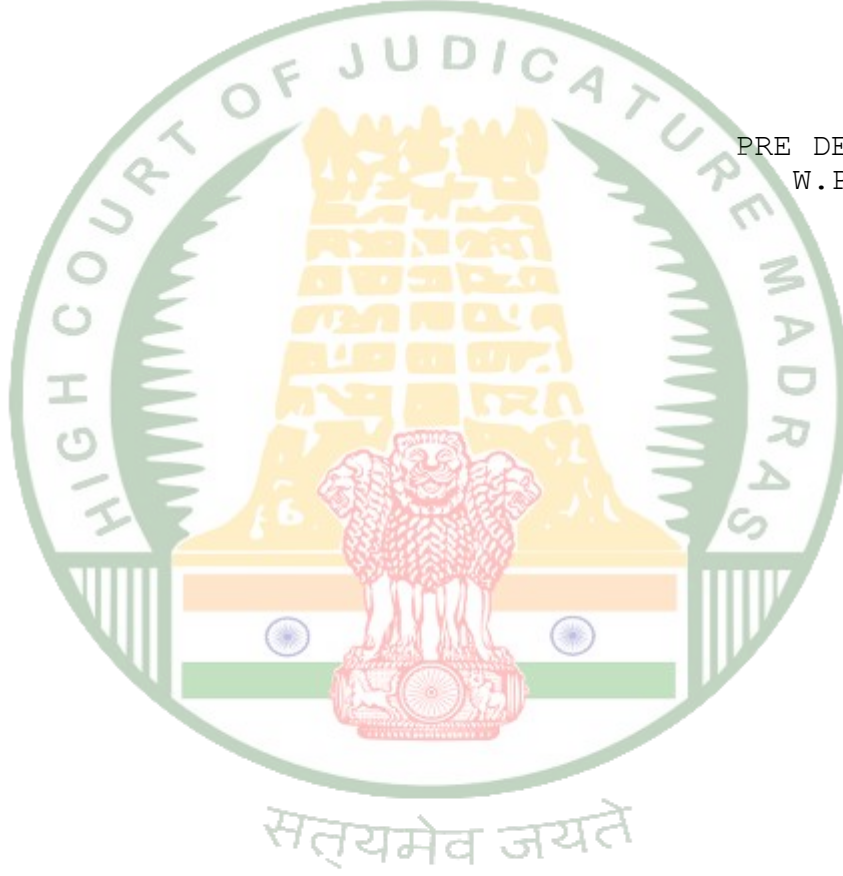
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Sub Assistant Registrar

To

1. The Director General of Police, Dr.Rathakrishnan Salai,
Mylapore, Chennai-600 004.
 2. The Chairman, Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai - 600 002.
 3. The Superintendent of Police, Sivagangai District, Sivagangai.
- +1 cc to Government Pleader,SR.12339.

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PRE DELIVERY ORDER IN
W.P.No.9216 of 2013

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