

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.10546 of 2016

M.Subramani

.. Petitioner

-vs-

1.The Commissioner of Police,
Coimbatore District,
Coimbatore.

2.Assistant Commissioner of Police (West)
Coimbatore District, Coimbatore.

3.The Tamil Nadu Uniformed Services
Recruitment board, Rep. By its
Member Secretary, Egmore, Chennai.
(R-3 impleaded as per Order dt.22.03.2016
in WP.10546 of 2016

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd respondent in Na.Ka.No.1096/ A1/2015 dated 24.12.2015, quash the same and consequentially direct the 2nd respondent to appoint the petitioner to the post of Sub Inspector with all other service benefits eligible to the petitioner.

For Petitioner :Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents :Mr.P.H.Aravind Pandian,
Addl. Adv. General,
assisted by Mr.S.T.S.Murthi,
Govt. Pleader, for RR 1 to 3.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned Additional Government Pleader has obtained instructions. He submits that the notice / order issued to the petitioner was under a mistaken premise as if it was a case only of non-disclosure of the existence of a marriage, which, in our view, was not so fatal. He submits that actually on enquiry, it has been found that the petitioner and his wife started living separately, but then reconciled and even a child was born, who is about nine years old. However, they again separated in the year 2009 and thereafter, the petitioner has been living with another woman, who, in turn, had married twice two different men and this is her third marriage. He, thus, concedes that the impugned notice / order dated 24.12.2015 needs to be withdrawn with liberty to issue a fresh order in accordance with law.

2. We accept the request of the learned Additional Advocate General to withdraw the notice / order dated 24.12.2015 and issue a fresh order after enquiry and an opportunity to the petitioner to explain his stand in view of the given facts of the case, not to be treated as a precedent.

3. The aforesaid exercise be carried out within one (1) month from today.

4. Writ petition, accordingly, stands closed in the aforesaid terms. No costs.

Sd/-

Assistant Registrar (Admin I)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Coimbatore District,
Coimbatore.

2.Assistant Commissioner of Police (West)
Coimbatore District, Coimbatore.

3.The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board, Egmore, Chennai.

+1cc to Mr.K.M.Vijayan Associates, Advocate, S.R.No.19232
+1cc to the Government Pleader, S.R.No.19187

W.P.No.10546 of 2016

vd(CO)
srg(15/04/2016)



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