

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.12688 of 2016

and

W.M.P.No.11078 of 2016

S.Balasubramanian

S/o.Sudalaimuthu

.. Petitioner

Versus

1.The Commandant,
Office of Deputy Inspector General
Central Industrial Security Force
R.T.C. Bhilai, Durg District,
Chattishgarh State.

2.Senior Commandant,
CISF Group Headquarters,
Chennai, 'D' Block,
Rajaji Bhavan,
Beasant Nagar,
Chennai - 90.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent vide their order No.Sl.No.E36017/Court Case/Brupra/2014/6659 dated 16.09.2014 and insofar it is against the petitioner and quash the same and direct the second respondent to execute the employment order No.E32107/01/CONST/DVR/ADII/GHC/2013/5437 dated 17.12.2013 to employ the petitioner so as to join in the forthcoming course as Driver/constable in the respondent's police service.

For Petitioner : Mr.Sa Sarangabani

For Respondents : Mr.G.Hema,
Central Government Standing Counsel

O R D E R

Mr.S.Balasubramanian has come to this Court seeking to issue a writ of certiorarified mandamus against the impugned order issued by the first respondent in order No.Sl.No.E36017/Court Case/Brupra/2014/6659 dated 16.09.2014 and to direct the second

respondent to execute the employment order No.E32107/01/CONST/DVR/ADII/GHC/2013/5437 dated 17.12.2013 to employ the petitioner so as to join in the forthcoming course as Driver/constable in the respondent's police service.

2. By the impugned order dated 16.09.2014, the first respondent has informed that on the basis of the recommendations of Standing Screening Committee for examination of the case of candidates selected for appointment in CISF having their involvement in criminal cases in the past, it has been decided by the competent authority that the petitioner is not eligible for appointment in CISF.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the criminal case and the same was ended in acquittal. Therefore, the first respondent cannot refuse to consider the petitioner for appointment.

4. It is well settled by the Honourable Apex Court as well as by this Court that when a person was rightly or wrongly prosecuted for a criminal case and subsequently, acquitted on the basis of benefit of doubt, still the person stands disqualified. Be that as it may, though the petitioner claims that he is acquitted by the Court neither in the affidavit he has mentioned the details of acquittal nor filed the copy of the judgment in the typed set of papers. Therefore, this Court is of the view that the petition is liable to be dismissed.

The Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

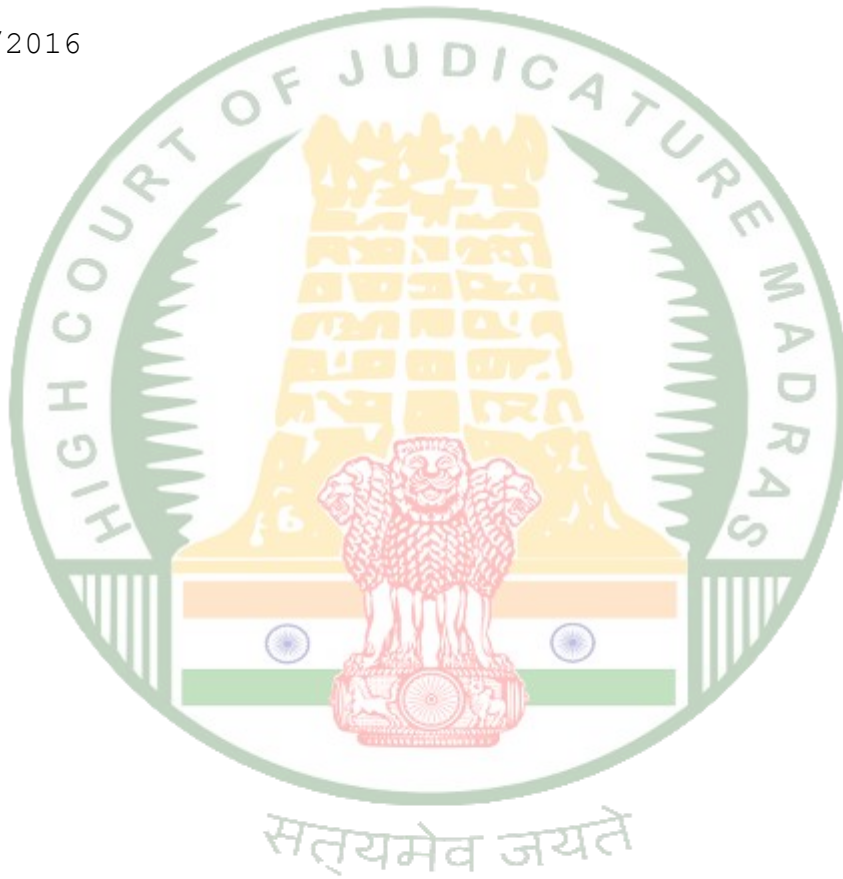
WEB COPY

1.The Commandant,
Office of Deputy Inspector General
Central Industrial Security Force
R.T.C. Bhillai, Durg District,
Chattishgarh State.

2.The Senior Commandant,
CISF Group Headquarters,
Chennai, 'D' Block,
Rajaji Bhavan, Beasant Nagar,
Chennai - 90.

Writ Petition No.12688 of 2016

sai[co]
srg 27/04/2016



WEB COPY