



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) Nos.16499 and 16500 of 2015

K.Arjun

..Petitioner in W.P(MD)No.16499 of 2015

K.Arivalagan

..Petitioner in W.P(MD)No.16500 of 2015

Vs.

1.The Director General of Police,
O/o.Director General of Police,
Chennai 4.

2.The Superintendent of Police,
O/o.Superintendent of Police,
Dindigul District.

..Respondents in both W.Ps

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 07.01.2015 and reminder dated 13.07.2015 and to appoint the petitioner for the post of Grade -II Constable Post (Tamil Nadu Uniform Service) based on the recruitment held in the year 2012 within a stipulated time may be fixed by this Court.

For Petitioners
For Respondents
(In both W.Ps)

: Mr.V.Muniasamy
: Mrs.S.Bharathy
Government Advocate.

ORDER

The petitioners have come up with the above writ petitions seeking for the issue of a writ of mandamus, directing the the respondents to consider the representation of the petitioners dated 13.07.2015 and to appoint them for the post of Grade-II Police Constable.

2.Heard the learned counsel for the petitioners. Mrs.S.Bharathy, learned Government Advocate takes notice for the respondents.

3.According to the petitioners, after their selection to the said post, police verification was sought for regarding their character and past conduct. Pursuant to the same, a report was given stating that the petitioners have involved in a case registered in Crime No.209 of 2007 for the offence punishable under Sections 323 and 307 IPC on the file of Sempatti Police Station, Dindigul District. Subsequently, they have acquitted by the learned Chief Judicial Magistrate, Dindigul in S.C.No.43 of 2010, dated 13.09.2012. However, based on the police verification report, the second respondent by way of his proceedings in Na.Ka.No.A9/9797/192/ 2012-4, dated 06.01.2013 informed the petitioners about their non selection to the post of Grade II, Police Constable.

<https://hcservices.ecourts.gov.in/AdmServices/4> Accordingly, the said order has not been challenged. In the meanwhile, a Criminal Revision Case in CrI.R.C(MD)No.82 of 2013 has been filed in which the remarks against the petitioners were expunged and the



acquittal on the ground of benefit of doubt was modified and they were stated to be acquitted honourably.

5. On the strength of the above said finding, the petitioners had sent a representation dated 20.04.2015 under the Right to Information Act regarding their appointment to the post of Police Constable, Grade II. Based on the same, the first respondent by way of his proceedings in Na.Ka.No.068362, dated 11.05.2015 communicated the petitioners that their case for appointment to the above said post is under consideration before the selection committee. Thereafter, the petitioners have submitted a representation dated 13.07.2015 and the same is pending without any response. Hence, the petitioners have come up with the above writ petitions.

6. In the light of the above facts and without going into the merits of the case, the writ petitions are disposed of directing the first respondent to consider the representation of the petitioners dated 13.07.2015 and pass appropriate orders on merits and in accordance with law. Needless to mention that while passing such orders, the proceedings of the second respondent dated 06.01.2013 shall be taken into account. The above said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-II)/C.O/IC

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Director General of Police,
O/o. Director General of Police,
Chennai 4.

2. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.

+1cc to the Special Government Pleader, in SR.10154
+2cc to M/s.V.Muniasamy, Advocate in SR.9937

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19.02.2016

sms

PBK/JGB-DP/SAR-I 25/02/2016 ::2P-6C:: (IT)