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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.47 of 2016

and

C.M.P (MD) No.365 of 2016

1.The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
No.807, P.T.Lee Chengalvarayar Maligai,
Anna Salai,
Chennai 02.

2.The Director General of Police,
O/o.The DGP Mylapore,
Chennai 600 004.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Appellants

Vs.

M.Govindan

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.03.2013 made in W.P.(MD)No.2706 of 2013.

Prayer in WP(MD). 2706/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certioraified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.A3/11758/2012 dated 24.1.2013 quash the same and consequently direct the respondents to appoint the petitioner as Grade-II police Constable for the year 2012 with all consequential monetary and service benefits.

For Appellants

: Mr.N.Manoharan,

Special Government Pleader.

For Respondent

: Mr.R.Venkateshwaran

**JUDGMENT**

(Judgment of the Court was delivered by **V. RAMASUBRAMANIAN, J**)

The writ appeal arises out of an order of the learned single Judge directing the appointment of the respondent as Police Constable, Grade-II without reference to the criminal cases pending against him.

2.Heard Mr.N.Manoharan, learned Special Government Pleader for the appellants. Mr.R.Vengateswaran, learned counsel for the respondent.

3.In the decision rendered by a Full Bench of this Court in ***Manikandan and others Vs.The Chairman, Tamil Nadu Unformed Services Recruitment Board, 2008 (2) CTC 97***, the Full Bench held that as per Explanation 1 to Clause (iv) of Rule 14(b) of the Tamil Nadu Special Police Subordinate Services Rules, 1978, a person acquitted on benefit of doubt or discharged in a criminal case, cannot be considered for appointment to the police force.

4.Some of the Judges found it difficult to agree with the view expressed by the Full Bench and hence, orders were passed in individual cases depending upon the facts and circumstances.

5.Eventually, the issue was referred to a Larger Bench of this Court in ***J.Alex Ponseelan Vs.The Director General of Police, 2014 (2) CTC 337***. The Larger Bench has now settled the issue. Therefore, the writ appeal is allowed and the order of the learned single Judge is set aside. No costs. Consequently, C.M.P(MD)No.365 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
No.807, P.T.Lee Chengalvarayar Maligai,
Anna Salai,Chennai 02.
 - 2.The Director General of Police,
O/o.The DGP Mylapore, Chennai 600 004.
 - 3.The Superintendent of Police,
Sivagangai District, Sivagangai.
- +1cc to Mr.R.VENKATESWARAN,Advocate Sr.No.3119

SMS

AA/GSV-AN/08.02.2016/2p-5c

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