

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.31637 of 2017

S.Panneerselvam

.. Petitioner

Vs.

The Superintendent of Police,
District Police Office,
Villupuram.

.. Respondent

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.11.2017 with respect to cancellation of the order passed in Na.Ka.No.A2/4500/2017 dated 28.10.2017 and consequently, to issue an appointment order for the post of Grade II Police Constable based upon passing of the petitioner's written test and others tests.

For Petitioner : Mr.K.L.Sekar

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.11.2017 with respect to cancellation of the order passed in Na.Ka.No.A2/4500/2017 dated 28.10.2017 and consequently, to issue an appointment order for the post of Grade II Police Constable based upon passing of the petitioner's written test and others tests.

2. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. Though a limited prayer is made in the writ petition to consider the representation of the petitioner dated 22.11.2017, the facts reveals that the petitioner passed the written test and other tests held for selection to the post of Grade II Police Constable. Thereafter, during police verification, since it is found that a case was registered against him in Crime

No.14/2013 for the offences under Section 448, 294-b, 323, 324 and 506(i) of IPC, his appointment to the post of Grade-II Police Constable was rejected by the respondent. In the mean while, it appears that after concluding the trial, the learned Judicial Magistrate, Thirukoilur in C.C.No.308/2017 by judgment dated 20.11.2017, acquitted the petitioner and 3 others. Thereafter, though the petitioner has sent a copy of the said judgment to the respondent, his case has not been considered is the grievance of the petitioner, it is contended.

4. In response to the same, the learned Special Government Pleader submitted that though several grounds have been raised by the petitioner in this Writ Petition, the same are liable to be dismissed mainly on the ground that firstly the petitioner has not challenged the rejection order of the respondent, namely, Superintendent of Police, Villupuram District dated 28.10.2017 stating that the petitioner suppressed his involvement in a criminal case. While so, after getting acquitted from the trial court, the petitioner now cannot claim that he should be selected for the Grade-II Constable post and it is the discretion of the respondent. Therefore, the present Writ Petition is liable to be dismissed. I fully agree with these submissions, for, the rejection order has not been challenged.

5. In the result, the Writ Petition fails and the same is accordingly dismissed with liberty to the petitioner to challenge the rejection order of the respondent. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

tsi

To

The Superintendent of Police,
District Police Office,
Villupuram.

+1cc to Government Pleader in sr.no.87441

W.P.No.31637 of 2017

nr 04/01/2018