

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 21.02.2017

Orders Pronounced on : 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.2397 of 2013

and

M.P. No. 1 of 2013

S. Churchil

.. Petitioner

vs.

1. The State, rep. by
The Director General of Police
Tamil Nadu, Mylapore
Chennai - 600 004.

2. The Chairman
Uniform Recruitment Service
Chennai.

3. The District Superintendent of Police
Dharmapuri District
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the impugned order made in Na.Ka. No. 13100/2012/A3 dated 08.01.2013 on the file of the 3rd respondent herein and quash the same as illegal and direct the respondents to appoint the petitioner as Grade II Police Constable and pass further orders.

For Petitioner : Mr. R. Sankarasubbu

For Respondents : Mr. S. Diwakar,
Spl. Govt. Pleader

ORDER

The petitioner has filed this writ petition seeking to quash the order made in Na.Ka. No. 13100/2012/A3 dated 08.01.2013 by the 3rd respondent and direct the respondents to appoint the petitioner as Grade II Police Constable.

2. Brief facts of the case is as follows :

The petitioner applied for recruitment to the post of

Grade II Police Constable in the year 2012 and was assigned Registration No. Jo.0806406, after scrutinizing the application. The petitioner appeared for the written tests and was called to attend various tests, like physical endurance test and physical efficiency test. Since the petitioner got qualified, he was selected for the post of Grade II Police Constable. But the respondents did not issue the appointment order. Subsequently, the petitioner came to know the reason for non-issuance of the appointment order was that in column Nos. 15, 16 and 18, particulars were not given about the involvement of the petitioner in a criminal case. The respondents have failed to consider that the aforesaid case in C.C. No. 40 of 2010, had ended in Hon'ble acquittal as per the judgment passed on 09.11.2010 by the learned Judicial Magistrate, Harur. The said acquittal ended long back. However, the reasons for non-mentioning the criminal case, is only because it is irrelevant, without any intention by the petitioner. However, the 3rd respondent has issued the impugned order, rejecting the selection of the petitioner. Challenging the same, the petitioner has filed the present writ petition, before this Court seeking for a Certiorarified Mandamus and to appoint the petitioner as Grade II Police Constable, in the 3rd respondent department.

3. In support of his contention, the petitioner relies upon the decision of this Court, an unreported judgment in the case of K. Sathyaseelan vs. Tamil Nadu Uniformed Services Recruitment Board & anr., in W.P. No. 2068 of 2013 dated 26.02.2013, the petitioner therein got involved in a criminal case in Crime No. 12/2010, registered for the offence under Section 498A- IPC and Section 4 of the Dowry Prohibition Act. During trial, the domestic quarrel ended and the parties started living together happily and hence the petitioner therein was acquitted. But the said factum of case, registered against the petitioner therein was not disclosed in the column mentioned in the application. This Court had allowed the Writ Petition following the decision of the Hon'ble Supreme Court.

4. Yet another decision relied on by the learned counsel for the petitioner, is a batch of cases decided by this Court, in W.P. Nos.2795/ 2013 etc., dated 22.03.2013, wherein the respondents were directed to consider the petitioners for appointment, by ignoring their alleged involvement in the criminal cases and appoint them in case they fall in the merit for selection.

5. In the light of the aforesaid decisions and since the criminal case registered against the petitioner in C.C. No. 40/2010 had ended in honourable acquittal granted by this Court, the petitioner is entitled for the relief as prayed for, in the writ petition.

6. Per contra, learned Special Government Pleader Mr. S. Diwakar would submit that the respondents had filed a detail counter affidavit and had denied the entire averments made by the petitioner. The case of the prosecution is that the petitioner has applied for the post of Grade II Police Constable and he got qualified in the written test and physical efficiency test. He was selected for the post of Grade II Police Constable, by the 2nd respondent. At the time of verification of his character and antecedents, the respondents found that the petitioner was involved in a criminal case in Cr. No. 12 of 2010 for offences under Section 341, 323, 324, 506 (ii) IPC on the file of Kottapatty Police Station. It is true that the petitioner was acquitted in C.C. No.40/2010 but the said acquittal was not a honourable acquittal and therefore the petitioner is not entitled for any relief as prayed in the writ petition. Further, it is contended by the respondents that under Rule 14(b) (iv) together with explanations 1 and 2 of the Tamil Nadu Special Police Subordinate Service Rules is intra vires of the Constitution, as has already been held by the Full Bench in the Manikandan's case, reported in 2008 (2) CTC 97. Therefore, the impugned order passed by the 3rd respondent is sustainable in law and hence prays to dismiss the writ petition.

7. Heard learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the material available on record.

8. It is enumerated from the above said facts, the petitioner applied for the post of Grade II Police Constable in the year 2012 and he got qualified in the written test and was selected for the post of Grade II Police Constable. But the petitioner did not receive any appointment order. Hence, this writ petition is filed.

9. It is seen from the records placed before this Court that the petitioner was involved in a criminal case in C.C. No.40/2010 for the offences under Section 341, 323, 324, 506 (ii) IPC. At the time of submitting the application, there was a specific column asking to specify whether any civil or criminal case is pending against the petitioner. In all these columns, the petitioner has stated 'No'. Hence, the respondent department has not considered the petitioner for appointment in the post of Grade II Police Constable. In this connection, it is useful to extract Rule 14 (b) of the Tamil Nadu Special Police Subordinate Service Rules, which reads as follows :-

"14(b). No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the Appointing Authority,-

(i) that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service; and

(ii) that his character and antecedents are such as to qualify him for such service; and

(iii) that such a person does not have more than one wife living;

(iv) That he has not involved in any criminal case before police verification.

Explanation (1): A person who is acquitted or discharged on benefit of doubt or due to the fact that the complainant "turned hostile" shall be treated as person involved in a criminal case.

Explanation (2): A person involved in a criminal case at the time of Police Verification and the case yet to be disposed of and subsequently ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in a criminal case and he can claim right for appointment only by participating in the next recruitment."

The decision relied on, by the learned counsel for the petitioner in the case of Commissioner of Police & Others vs. Sandeep Kumar, reported in 2011(3) LLN 44 (SC), wherein the Hon'ble Apex Court has held as follows:-

"11. When the incident happened the respondent must have been about 20 years of age. At that age young people often commit indiscretions, and such indiscretions can often be condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Hence, our approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives.

12. In this connection, we may refer to the character 'Jean Valjean' in Victor Hugo's novel 'Les Miserables', in which for committing a minor offence of stealing a loaf of

bread for his hungry family Jean Valjean was branded as a thief for his whole life.

13. The modern approach should be to reform a person instead of branding him as a criminal all his life.

14. We may also here refer to the case of Welsh students mentioned by Lord Denning in his book 'Due Process of Law'. It appears that some students of Wales were very enthusiastic about the Welsh language and they were upset because the radio programmes were being broadcast in the English language and not in Welsh. Then came up to London and invaded the High Court. They were found guilty of contempt of court and sentenced to prison for three months by the High Court Judge. They filed an appeal before the Court of Appeals. Allowing the appeal, Lord Denning observed :-

"I come now to Mr. Watkin Powell's third point. He says that the sentences were excessive. I do not think they were excessive, at the time they were given and in the circumstances then existing. Here was a deliberate interference with the course of justice in a case which was no concern of theirs. It was necessary for the judge to show - and to show to all students everywhere - that this kind of thing cannot be tolerated. Let students demonstrate, if they please, for the causes in which they believe. Let them make their protests as they will. But they must do it by lawful means and not by unlawful. If they strike at the course of justice in this land - and I speak both for England and Wales - they strike at the roots of society itself, and they bring down that which protects them. It is only by the maintenance of law and order that they are privileged to be students and to study and live in peace. So let them support the law and not strike it down.

But now what is to be done? The law has been vindicated by the sentences which the judge passed on Wednesday of last week. He has shown that law and order must be maintained, and will be maintained. But on this appeal, things are changed. These students here no

longer defy the law. They have appealed to this court and shown respect for it. They have already served a week in prison. I do not think it necessary to keep them inside it any longer. These young people are no ordinary criminals. There is no violence, dishonesty or vice in them. On the contrary, there was much that we should applaud. They wish to do all they can to preserve the Welsh language. Well may they be proud of it. It is the language of the bards - of the poets and the singers - more melodious by far than our rough English tongue. On high authority, it should be equal in Wales with English. They have done wrong- very wrong - in going to the extreme they did. But, that having been shown, I think we can, and should, show mercy on them. We should permit them to go back to their studies, to their parents and continue the good course which they have so wrongly disturbed."

[Vide : Morris Vs. Crown Office, (1970) 2 Q.B.114] In our opinion, we should display the same wisdom as displayed by Lord Denning.

As already observed above, youth often commit indiscretions, which are often condoned.

15. It is true that in the application form the respondent did not mention that he was involved in a criminal case under Section 325/34 IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified.

16. At any event, it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter."

The other decision relied by the learned counsel for the petitioner, in the case of K. Sathyaseelan vs. Tamil Nadu Uniformed Services Recruitment Board & anr., in W.P. No. 2068 of 2013 dated 26.02.2013, this Court has held as follows in paragraphs 11 & 12:-

"11. Further the Supreme Court itself had struck a note of caution with reference

to complaints regarding offence under Section 498A IPC as increasingly false complaints were given to settle scores among family members and that such complaints should be taken only on clear verification of facts. The Supreme Court in Preeti Gupta v. State of Jharkhand reported in (2010) 7 SCC 667 in paragraphs 30 to 38 had observed as follows :

"30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

31. The courts are receiving a large number of cases emanating from Section 498-A of the Penal Code which reads as under:

498-A. Husband or relative of husband of a woman subjecting her to cruelty. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation-For the purposes of this section, cruelty means

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and

are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or

rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful.

37. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislature. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.

38. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law and Justice to take appropriate steps in the larger interest of the society." (Emphasis added)

12. In view of the above, since the respondents have not applied their mind on the criminal case which had already come to an end even before the recruitment process was started, the impugned order passed by the Superintendent of Police cannot be justified and hence it has to be set aside. The respondents are hereby directed to grant an appointment order to the petitioner to the post of Grade II Police Constable within a period of three weeks from the date of receipt of copy of this order. Accordingly, the writ petition will stand allowed. No costs. Consequently connected miscellaneous petition stands closed."

In the case of M. Vijaya Baskar & ors. vs. the Superintendent of Police, in W.P. Nos.2795/ 2013 etc., batch of cases, dated 22.03.2013, relied by the learned counsel for the petitioner, the relevant paragraphs 25 to 34 is extracted below :

" 25. The stand of the State Government as noticed above was, that the petitioners were admittedly involved in the criminal case, therefore, are not entitled to challenge the impugned orders passed in consonance with the Rule 14 read with the explanation added thereto, which was upheld by the Hon'ble Full Bench of this Court.

26. Learned Additional Government Pleader vehemently contended, that this Court held the amended Rule 14 (b) of the Special Rules for Tamil Nadu Police Subordinate Services Rules, to be a valid piece of legislation, therefore action taken under Rule 14 (b) does not call for any interference by this Court in exercise of writ jurisdiction.

27. On consideration, I find force in the contention raised by the learned counsel for the petitioners. It would be seen, that in all these cases, the petitioners were acquitted in criminal cases much before commencement of process of selection. Acquittal in criminal cases means, that the charges framed against the accused itself were bad, therefore, it cannot be said, that persons were involved in any criminal case. Therefore, Rule 14 (b) can only be interpreted to mean, that in cases, which are pending at the time of selection, and end in

acquittal by giving benefit of doubt, then a person can be denied the right of appointment by considering him to be involved in criminal cases, but not in a case, where much before the start of selection process, the person is acquitted, even by giving benefit of doubt.

28. As already noticed above, persons in whose case criminal cases was closed as "Mistake of Fact", also by no stretch of imagination, can be said to be involved in criminal case to deny them public appointment, as has been done by the respondents.

Yet another decision relied on by the learned counsel for the petitioner is the case of Avtar Singh v. Union of India reported AIR 2016 SC 3598, wherein Hon'ble Supreme Court has held as follows, in paragraphs 22, 23, 24, 26 and 30 :-

"22. The employer is given 'discretion' to terminate or otherwise to condone the omission. Even otherwise, once employer has the power to take a decision when at the time of filling verification form declarant has already been convicted/acquitted, in such a case, it becomes obvious that all the facts and attending circumstances, including impact of suppression or false information are taken into consideration while adjudging suitability of an incumbent for services in question. In case the employer come to the conclusion that suppression is immaterial and even if facts would have been disclosed would not have affected adversely fitness of an incumbent, for reasons to be recorded, it has power to condone the lapse. However, while doing so employer has to act prudently on due consideration of nature of post and duties to be rendered. For higher officials/higher posts, standard has to be very high and even slightest false information or suppression may by itself render a person unsuitable for the post. However same standard cannot be applied to each and every post. In concluded criminal cases, it has to be seen what has been suppressed is material fact and would have rendered an incumbent unfit for appointment. An employer would be justified in not appointing or if appointed to terminate services of such incumbent on due consideration of various aspects. Even if disclosure has been made truthfully the employer has the right to consider fitness and while doing so effect of

conviction and background facts of case, nature of offence etc. have to be considered. Even if acquittal has been made, employer may consider nature of offence, whether acquittal is honourable or giving benefit of doubt on technical reasons and decline to appoint a person who is unfit or dubious character. In case employer comes to conclusion that conviction or ground of acquittal in criminal case would not affect the fitness for employment incumbent may be appointed or continued in service.

23. Coming to the question whether an employee on probation can be discharged/refused appointment though he has been acquitted of the charge/s, if his case was not pending when form was filled, in such matters, employer is bound to consider grounds of acquittal and various other aspects, overall conduct of employee including the accusations which have been levelled. If on verification, the antecedents are otherwise also not found good, and in number of cases incumbent is involved then notwithstanding acquittals in a case/cases, it would be open to the employer to form opinion as to fitness on the basis of material on record. In case offence is petty in nature committed at young age, such as stealing a bread, shouting of slogans or is such which does not involve moral turpitude, cheating, misappropriation etc. or otherwise not a serious or heinous offence and accused has been acquitted in such a case when verification form is filled, employer may ignore lapse of suppression or submitting false information in appropriate cases on due consideration of various aspects.

24. No doubt about it that once verification form requires certain information to be furnished, declarant is duty bound to furnish it correctly and any suppression of material facts or submitting false information, may by itself lead to termination of his services or cancellation of candidature in an appropriate case. However, in a criminal case incumbent has not been acquitted and case is pending trial, employer may well be justified in not appointing such an incumbent or in terminating the services as conviction ultimately may render him unsuitable for job and employer is not supposed

to wait till outcome of criminal case. In such a case non disclosure or submitting false information would assume significance and that by itself may be ground for employer to cancel candidature or to terminate services.

25. ...

26. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, but ultimate action should be based upon objective criteria on due consideration of all relevant aspects.

...

30. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize our conclusion thus:

Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information. The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/ verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted : -

In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

(5) In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

(6) In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case.

(7) In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

(8) If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

(9) In case the employee is confirmed in service, holding Departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

(10) For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

(11) Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.

10. Learned counsel for the petitioner, strictly relying upon the aforesaid decisions of this Court as well as Hon'ble Supreme Court, the non-closure of information in the application would not attract disqualification for appointment to the post of Grade II Police Constable. The learned Special Government Pleader strictly rely upon Rule 14 (b) of the Tamil Nadu Special Police Subordinate Service Rules and also the judgment of the Full Bench of this Court in the case of Manikandan & Ors., vs The Chairman, Tamil Nadu Uniformed Services Recruitment Board, wherein the said rule has been upheld. Subsequently, it was referred to the Larger Bench of Madras High Court of Madurai Bench in their orders dated 27.02.2014 in W.P. (Md) No. 8345 of 2011 etc., filed by Thiru J. Alex Ponselan & Ors., vs. Director General of Police & Ors., wherein this Court has answered the reference and held that the decision rendered by the Full Bench of this Court in Manikandan's case reported in 2008 (2) CTC 97, is a good law.

11. In the present case on hand, the petitioner has placed the judgment passed in Crl.R.C. No. 311/2011 dated 28.02.2011 challenging the order passed in CC No. 40/2010 dated 09.11.2010. The aforesaid Revision has been filed by one Thennarasu, who is also one of the accused in C.C. No.40/2010 and in paragraph 10, a specific observation has been made as follows :-

"10. As far as the case on hand is concerned, a perusal of the impugned order of the learned Magistrate makes it crystal clear that none of the prosecution witnesses have turned hostile in this case. It is pertinent to note that the learned Magistrate has given a specific finding to the effect that the eye-witnesses/ P.Ws 3 and 4 have not identified as to who has assaulted the complainant. It is further held by the learned Magistrate that there is no corroborative piece of evidence to prove the guilt of each accused. Apart from such finding, it is also specifically held by the learned Magistrate that the witnesses have not spoken about the specific overt act alleged against each of the accused. Though it is observed by the learned Magistrate that the benefit of doubt has necessarily to be extended to the accused, the fact remains the finding given by the learned Magistrate acquitting the petitioner and other accused is one of honourable acquittal.

12. The reasons found in the impugned order that the petitioner was acquitted on 'benefit of doubt' in the criminal case, is held to be unsustainable. This Court in CrI.R.C. No. 311 of 2011 dated 28.02.2011 and in the light of Rule 14(b) of the Tamil Nadu Special Police Subordinate Service Rules, has held that the petitioner's involvement in the criminal case results in Honourable acquittal. In the aforesaid judgment, the High Court has acquitted the petitioner therein and the other accused (including the petitioner herein), as one of Honourable acquittal, who were implicated in the criminal case in C.C. No.40/2010 for offences under Sections 341, 323, 324, 506 (ii) IPC. In so far as the non-disclosure of the information at the time of filing up his application, during recruitment, the same has to be considered afresh, in accordance with the decision rendered by the Hon'ble Supreme Court in the case of Avtar Singh.

13. Therefore, the impugned order passed by the 3rd respondent in Na.Ka. No. 13100/2012/A3 dated 08.01.2013 is quashed and the 3rd respondent is directed to consider afresh, in the light of the above cited decision in Avtar Singh's case, for appointment of the petitioner as Grade II Police Constable, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected M.P is closed. No order as to costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

avr

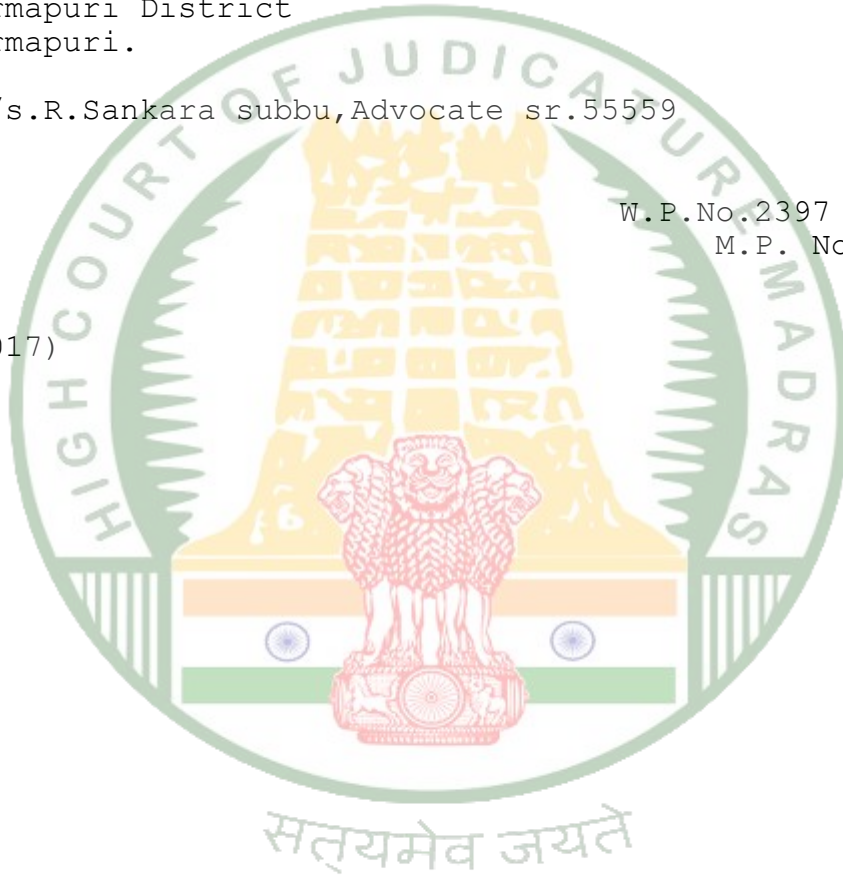
To

1. The Director General of Police
Tamil Nadu, Mylapore
Chennai - 600 004.
2. The Chairman
Uniform Recruitment Service
Chennai.
3. The District Superintendent of Police
Dharmapuri District
Dharmapuri.

+1cc to M/s.R.Sankara subbu, Advocate sr.55559

W.P.No.2397 of 2013 and
M.P. No. 1 of 2013

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