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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 11.09.2017
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD)No. 1198 of 2017
and
C.M.P.(MD) No.8408 of 2017

A.Joseph Cyril .. Appellant

Vs.

1.The Tamil Nadu Uniform Service Recruitment Board,
rep. by its Secretary,
No.807, P.T.Li.Chengalvaraya Nayakkar Maligai,
Anna Salai, Chenni – 2.

2.The Superintendent of Police,
Dindigul District,
Dindigul. ... Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 02.06.2017 in W.P.(MD) No.13435 of 2014 on the file of this Court.

Prayer in WP(MD). 13435/ 2014 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the Impugned Order dated 10.07.2014 passed by the 2nd Respondent in Na.Ka. No. A9/30000/920/2013 and quash the same and consequently direct the Respondents to issue appointment order to the Petitioner for thepost of Tamil Nadu Special Police Youth Brigade (Male) for the year 2013-2014.

For Appellant : Mr.M.E.Ilango

For Respondents : Mr.M.Govindan, Spl.G.P.

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JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The unsuccessful writ petitioner is on appeal challenging the order dated 02.06.2017 made in W.P.(MD) No.13435 of 2014.

2.The appellant sought appointment in Tamil Nadu Special Police Youth Brigade for the year 2013-14. He was not selected in view of his involvement in a criminal case. The case of the appellant is that he was rejected by relying upon Rule 3(b) of the Tamil Nadu Special Police Youth Brigade Rules, 2013. The order of rejection was sustained by the learned Single Judge, Aggrieved by the same, this intra Court appeal has been filed.

3.The learned counsel appearing for the appellant would contend that though the writ petitioner was made an accused in crime No.295/2007 on the file of Dindigul Taluk Police Station, he was ultimately acquitted by the District and Sessions Judge cum Fast Track Court at Dindigul in C.A.No.27 of 2010 on 03.05.2011. When the appellant was acquitted even prior to the commencement of the recruitment process, the appellant cannot be considered as having been involved in a criminal cases.

4.We are not able to accept the said submission of the learned counsel for the appellant. The appellant was convicted and sentenced to two years imprisonment by the trial Court. No doubt, if the same was reversed by the appellate Court. But, it is open to the recruiting authority to consider the case of the candidate in question based on the materials on record. The authority by invoking Rule 3(b) of the Tamil Nadu Special Police Youth Brigade Rules, 2013 came to the conclusion that his conduct was not good and that he was not qualified to be appointed in Tamil Nadu Special Police Youth Brigade. The learned Judge has given convincing reasons for sustaining the order dated 10.07.2014 passed by the second respondent herein. The facts relating to the criminal case against the appellant have also been gone into in detail. Since the appellant was admittedly involved in a criminal case registered for a grave offence, he stood disqualified. We find that the learned Single Judge has given justifiable reasons for dismissing the writ petition. We concur with the reasoning found in the order dismissing the writ petition.

5.We therefore dismiss this writ appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSI)

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Sub-Assistant Registrar

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To

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rep. by its Secretary,
No.807, P.T.Li.Chengalvaraya Nayakkar Maligai,
Anna Salai, Chenni - 2.

2.The Superintendent of Police,
Dindigul District,
Dindigul.

+One cc to The Special Government Pleader, SR.No.78611

Arul/skm
RL/4C/3P/SV/MMS/SAR2/26/9/2017

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