



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.863 of 2017

and

C.M.P (MD) .No.5803 of 2017

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Home Department, Fort.St.George,
Chennai 09.
2. The Director General of Police,
Tamil Nadu Police Department, Mylapore,
Chennai 600 004.
3. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
4. Tamil Nadu Uniformed Services Recruitment Board,
Rep by its Chaiman, 807 II Floor, Anna Salai,
Chennai 600 002. : Appellants/Respondents

Vs.

R.Senthilraj : Respondent/Petitioner/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 21.12.2015 made in W.P.(MD).No.23130 of 2015, on the file of this Court.

Prayer in WP(MD). 23130/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.A-2(1) 43147//2013 dated 11.02.2014 and quash the same as illegal and arbitrary and consequently direct the respondents to consider the petitioner for appointment to the post of Tamil Nadu Special Police Youth Brigade for the year 2013-14 with all service benefits within the time limit that may be stipulated by this Honble Court.

For Appellants : Mr.V.Muruganantham
Additional Government Pleader

For Respondent : Mr.M.Mohanasundaram

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants and Mr.M.Mohanasundaram, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal is directed against the order dated 21.12.2015 made in W.P. (MD) .No.23130 of 2015.

3. The learned counsel appearing for the respondent submitted that an identical issue was considered by a Division Bench of this Court in **W.A.No.1078 of 2016**, dated **30.08.2016**, [**The Director General of Police Vs. S.Kirubakar**] and the Division Bench dismissed the Writ Appeal filed by the Director General of Police, affirming the order passed by the learned Single Judge in W.P.No.5053 of 2014, dated 21.03.2014.

4. The learned Additional Government Pleader appearing for the appellants does not dispute the above legal position and submits that the similar Writ Appeal was dismissed by the Division Bench by the aforesaid Judgment. The operative portion of the Judgment reads as follows:-

"4. On the facts and circumstances of this case, as the learned Judge has rightly found that the respondent/writ petitioner is entitled and qualified to be appointed as a Youth Brigade, we find no scope for interference with the order of the learned Single Judge. It appears that some untoward incident is said to have taken place while playing volleyball. In this regard, Section 95 of the Indian Penal Code reads thus:-

S.95. Act causing slight harm.- No thing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm. Even otherwise, the apprehension of the appellants as to the non-disclosure of information by the respondent in column No.18 of the application will not in any way take away the right of the respondent to prejudice the appellants while considering his candidature for appointment to the Youth Brigade, as the criminal case was once for all closed as false on 04.02.2014 itself by a judicial order and that the selected candidates were called to attend the training on 12.02.2014. Hence, we find no scope for interference with the impugned order. Accordingly, the Writ Appeal is dismissed at the admission stage. It is for the appellants to extend the benefit of appointment to the respondent/writ petitioner within a period of three months from today".



5. In the light of the above, the Writ Appeal is dismissed on similar lines. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Records)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department, Fort.St.George,
Chennai 09.
2. The Director General of Police,
Tamil Nadu Police Department, Mylapore,
Chennai 600 004.
3. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
4. The Chaiman,
Tamil Nadu Uniformed Services Recruitment Board,
807 II Floor, Anna Salai, Chennai 600 002.

NB

AE/KP/SAR4/10.07.2017/3P/5C

JUDGMENT MADE IN
W.A. [MD] .No.863 of 2017
27.06.2017