



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A. [MD] .No.996 of 2016

and

C.M.P. (MD) Nos.5996 and 11184 of 2016

1.The Director General of Police,
Tamil Nadu Police Department,
Kamarajar Salai, Mylapore,
Chennai-600 004.

2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Anna Salai, Chennai.

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

: Appellants /Respondents

Vs.

M.Mohamed Kalith

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of a learned Single Judge of this Court dated 18.01.2016, made in W.M.P.(MD).No.456 of 2016 in W.P.(MD)No.3365 of 2014.

Prayer in WMP(MD). 456/ 2016 :

Pleased to grant an ad-interim Direction, directing the Respondents to send the Petitioner for training in the present batch for appointment to the post of Tamilnadu special Police Youth Brigade for the year 2013-14.

Prayer in WP(MD). 3365/ 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 Records relating to the impugned proceedings in Na.ka No. A4/51408/2013 dated 17.02.2014 of the 2nd respondent and to quash the same and consequently direct the Respondent s to appoint the petitioner in Tamilnadu Special police for the year of 2013- 2014.



For Appellants

: Mr.S.Chandrasekar,
Government Advocate

For Respondent

: Mr.G.Thalaimutharasu

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JUDGMENT

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

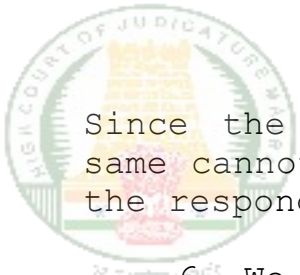
This Writ Appeal is directed against the order of Writ Court dated 18.01.2016, made in W.M.P.(MD).No.456 of 2016 in W.P.(MD) No.3365 of 2014.

2. The respondent herein has filed the Writ Petition seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.No.A4/51408/2013, dated 17.02.2014 of the second appellant and quash the same and consequently, direct the appellants herein to appoint him in Tamil Nadu Special Police for the year 2013-2014.

3. The case of the respondent in the Writ Petition was that he has completed X Standard and attended the examination for the post of Tamil Nadu Special Police for the year 2013-2014 and was selected as a successful candidate by securing 63 marks out of 100 marks. While so, on 17.02.2014, the third appellant has given a reply stating that he was unqualified for the post of Tamil Nadu Special Police Youth Brigade, on the ground that he was acquitted on the ground of benefit of doubt in a criminal case in S.T.C.No.1628 of 2012 on the file of the learned Judicial Magistrate, Tenkasi, on 13.06.2013. Aggrieved over the same, he has filed the Writ Petition. Pending Writ Petition, he has sought for an order of ad-interim direction, directing the appellants to send the respondent for training in the present batch for appointment to the post of Tamil Nadu Special Police Youth Brigade for the year 2013-2014. This Court, by order dated 18.01.2016, granted an order of interim direction as prayed for. Challenging the same, the appellants are before this Court with the present Writ Appeal.

4. It is the submission of the learned Government Advocate that the respondent was acquitted in a criminal case only on the ground of benefit of doubt. When that being so, the respondent is not entitled for appointment to the said post. In such circumstances, the interim direction given by this Court to send him for training is not legally sustainable.

5. The learned counsel for the respondent submits that the respondent was acquitted in the criminal case even prior to the date of notification issued by the Government on 01.07.2013.



Since the acquittal was prior to issuance of notification, the same cannot be taken into consideration to deny the appointment to the respondent.

6. We find some force in the argument advanced by the learned counsel for the respondent. Therefore, we are not inclined to interfere with the interim order granted by this Court, which is impugned in the present Writ Appeal. However, we make it clear that the respondent shall not claim any equity based on the interim direction given by this Court at the time of deciding the main Writ Petition.

7. Clarifying this, we dismiss the Writ Appeal. Interim stay granted by this Court on 22.06.2016 is vacated. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Director General of Police,
Tamil Nadu Police Department,
Kamarajar Salai, Mylapore,
Chennai-600 004.

2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Anna Salai, Chennai.

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

+1 cc to MR.G.THALAIMUTHARASU, Advocate SR.No.694

+1 cc to Government Pleader Sr.No.470

JUDGMENT MADE IN
W.A. (MD) No.996 of 2016
Dated:- 03.01.2017

SMA/SS-3/SAR-3/19.01.2017:3P/6C