



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.960 of 2013

E.Sivananth

... Appellant

-vs-

1.The Chairman,
Tamil Nadu Uniform Services
Recruitment Board,
Chennai - 600 002.

2.The Additional Director
General of Police,
Director General of Prison,
Office of the Director General of Police,
Beach Road ,Chennai - 600 004.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order, dated 27.06.2012 in W.P.(MD).No.15265 of 2011, on the file of this Court.

Prayer in WP(MD). 15265/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIIFIED MANDAMUS, to call for the records relating to the impugned order passed by the 2nd Respondent in No.46896/EW1/2010, dated 22-03-2011 and to quash the same and consequently direct the Respondents to issue appointment order and training to the petitioner to the post of Grade II Police Constable / Jail Warden / Fire Servicemen for the year 2010.

For Appellant : Mr.N.Subramanian

For Respondents : Mr.V.Muruganantham
Additional Government Pleader

J U D G M E N T

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

Heard Mr.N.Subramanian, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2. This writ appeal by the writ petitioner is directed against the order, dated 27.06.2012 in W.P.(MD).No.15265 of 2011, which



was filed challenging the order passed by the second respondent, dated 22.03.2011, and to direct the respondents to issue appointment order and training to the appellant to the post of Grade-II Police Constable.

3. The Writ Court, after elaborately considering the entire factual matrix, by the impugned order, dated 27.06.2012, dismissed the writ petition on the ground that the appellant is involved in a criminal case and the Criminal Court ultimately acquitted the appellant on benefit of doubt and therefore, the appellant is not entitled for any relief.

4. At the time, when the writ petition was disposed of, the Writ Court did not have the benefit of the decision of the Honourable Full Bench in the case of **J.Alex Ponseelan vs. the Director General of Police, Tamil Nadu, Chennai**, in **W.P.(MD)s.8345 of 2011 etc., batch**, since it was rendered subsequently. The said decision holds the field as on date and wherein it has been categorically held that involvement in a criminal case is disqualification for being considered for appointment to the Tamil Nadu Uniformed Services and even if the acquittal is not an honourable acquittal, it would also be a disqualification for the applicant to be considered for the post of Grade-II Police Constable. Hence, the view taken by the Writ Court requires to be affirmed in the light of the recent decision of the Honourable Full Bench in the case of **J.Alex Ponseelan** (supra).

5. In the result, the writ appeal fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1.The Chairman,
Tamil Nadu Uniform Services,
Recruitment Board,
Chennai - 600 004.

2.The Additional Director
General of Police,
Director General of Prison,
Office of the Director General of Police,
Beach Road, Chennai - 600 004.

+1cc to Mr.SPECIAL GOVERNMENT PLEADER in SR. No.60200

IA/KRK

<https://hcservices.pc.org.in/hcservices/>
CS/RI/SAR.2/21.6.2017/2P-4C

W.A. (MD) No.960 of 2013
13.06.2017