

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.A.No.1945 of 2013
& M.P.No.1 of 2013

- 1.Tamil Nadu Uniformed Services
Recruitment Board, rep., by its
Member Secretary,
No.807, P.T.Lee Chengalvarayan Naicker
Maaligai, Anna Salai,
Chennai-600 002.
- 2.The Superintendent of Police,
District Police Office,
Dharmapuri District,
Dharmapuri. Appellants
- Vs.
- K.Sathyaseelan Respondent

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 26.02.2013 passed in W.P.No.2068 of 2013.

Prayer in W.P.No.2068 of 2013:- To issue a writ of certiorarified Mandamus to call for the concerned records from the second respondent, quash the order of the second respondent dated 8.1.2013 bearing Na.Ka.No.13100/2012/A3 and consequently direct the respondents to consider the petitioner for appointment to the post of Grade II Constable for the year 2012.

For Appellant : Mrs.A.Sri Jayanthi,
Special Government Pleader

For respondent : Mr.Balan Haridas

JUDGMENT

(Judgment of the Court was made by M.M.SUNDRESH,J.)

This appeal has been preferred as against the order of the learned single Judge by an elaborate order allowed the writ petition as prayed for.

2. The writ petition was filed challenging the order of the second appellant, by which, the respondent was denied appointment to the post of Grade-II Police Constable on the premise that he has not disclosed the factum of criminal case.

3. The learned Special Government Pleader appearing for the appellants would submit that inasmuch as the respondent has not disclosed the factum of criminal case, the appeal has to be allowed.

4. The learned counsel appearing for the respondent would submit that even prior to the recruitment process started, the criminal case has come to an end. It was a matrimonial dispute between the respondent and his wife. A case has been registered for the offence under Section 498-A IPC read with Section 4 of Dowry Prohibition Act. Therefore, the appeal has to be dismissed.

5. We do not find any merit in this appeal. The facts as recorded by the learned single Judge is not in dispute. The private respondent was acquitted as early as on 20.01.2011 under Section 248(1) of Criminal Procedure Code. It is the complaint given by his estranged wife for the offence under Section 498-A of Indian Penal Code and Section 4 of the Dowry Prohibition Act. Therefore, it cannot be termed, as if, the private respondent was involved in the criminal case. Though much reliance has been made to Explanation-1 of Rule 14(b) of the Tamil Nadu Police Subordinate Service Rules, considering the facts and circumstances of the case, we are of the view that the order of the learned single Judge cannot be faulted with.

6. As discussed above, the complaint itself has come into existence due to matrimonial dispute between the private respondents and his wife. Now it appears that the de-facto complainant viz., the wife of the private respondent is living with him and having two children. In such view of the matter, we do not find any error in the order passed by the learned single Judge. The appellants shall give effect to the order of the learned single Judge within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the

writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raa

To

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee Chengalvarayan Naicker
Maaligai, Anna Salai,
Chennai-600 002.

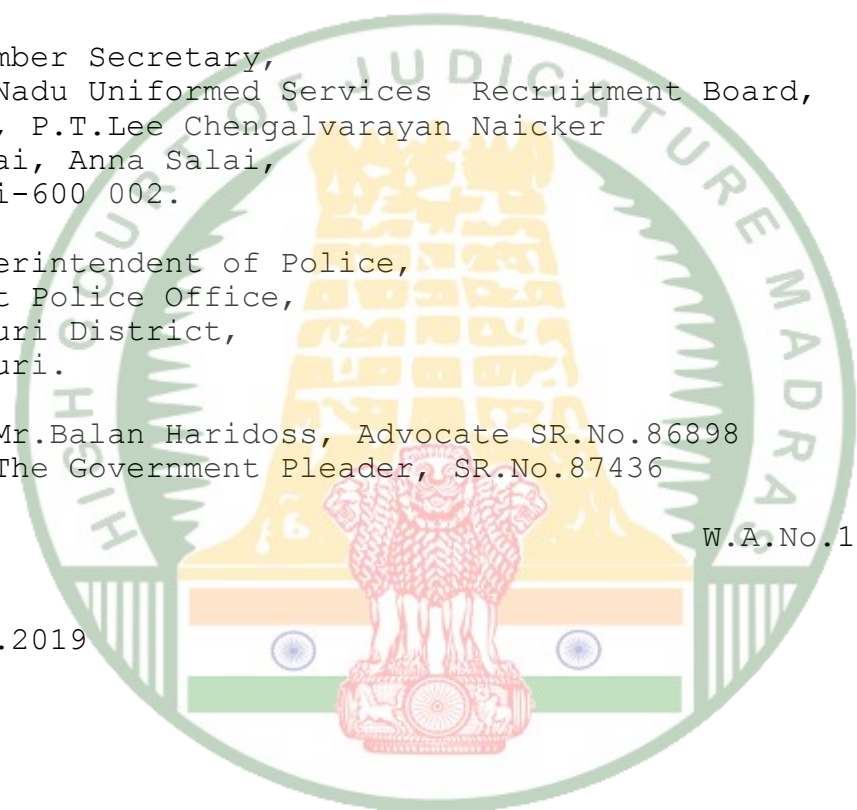
2.The Superintendent of Police,
District Police Office,
Dharmapuri District,
Dharmapuri.

+1 cc to Mr.Balan Haridoss, Advocate SR.No.86898

+1 cc to The Government Pleader, SR.No.87436

W.A.No.1945 of 2013

SSI (CO)
CSL/06.02.2019

The seal of the Tamil Nadu High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "TAMIL NADU HIGH COURT" are written in English around the top half of the circle, and "தமிழ்நாடு உயர்நீதிமன்றம்" is written in Tamil around the bottom half. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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