

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11-12-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.32970 of 2005
and
WPMP.No.35929 of 2005

R.Kasthuri

... Petitioner

..Vs..

1. Director General of Police,
Chennai - 600 004.

2. Superintendent of Police,
Kancheepuram, Kancheepuram District. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings Na.Ka.No.022729/Niyamanam.3/2005-2 dated 21.02.2005 and quash the same and direct the respondents to appoint the petitioner as Grade II Woman Police Constable with all consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents 1&2 : M/s.R.Janaki
Addl.Govt.Pleader

O R D E R

The order of rejection rejecting the selection of the writ petitioner for appointment to the post of Grade II Woman Police Constable in proceeding dated 21.02.2005 is under challenge in the present writ petition.

2. The reason stipulated in the impugned order is that the antecedent of the writ petitioner was not satisfactory. The learned counsel appearing on behalf of the writ petitioner states that except by stating that the conduct of the writ petitioner was satisfactory, no other acceptable reason has been stated in the impugned order.

Such a non reasoning order cannot be a ground for the rejection of the candidature of the writ petitioner for appointment to the post of Grade II Woman Police Constable.

3. The learned Additional Government Pleader appearing on behalf of the respondent states that the impugned order has been passed with reference to Rule 14(b) of the Tamil Nadu Special Police Sub-ordinate Service Rules and as per the said Rules, if the Competent Authority has arrived a conclusion based on the investigation/enquiry in respect of the conduct of a candidate, then they are empower to reject the candidature.

4. This Court is of an opinion that, the selection is for the uniformed service and the character, integrity are the paramount aspect which is to be verified without any dilution or compromise. When there is no personal allegation, malafide intention on the part of the respondent, this Court is of an opinion that, the findings arrived by the respondents ought to be followed. The antecedents are verified by the Competent Authorities of the Police Department and such a findings arrived cannot be disputed in respect of the rejection of selection.

5. Appointment can never be claimed as a matter of right. The process of selection is to be conducted strictly in accordance with the rules in force. The rules empowers the Authorities to conduct investigation/enquiry in respect of the antecedent of the candidates, more specifically, for appointment to the uniformed forces.

6. In the present case on hand, such an enquiry was conducted and the Authorities found that the character and the conduct of the writ petitioner was not satisfactory. At this length of time, this Court is not inclined to go into the manner in which such an enquiry/investigation was conducted with reference to the conduct and character of the writ petitioner as the writ petitioner has crossed the age limit for recruitment to the post of Grade II Woman Police Constable.

7. This being the factum of the case, the writ petition deserves no merit consideration and stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn
To

1. Director General of Police,
Chennai - 600 004.

2. Superintendent of Police,
Kancheepuram, Kancheepuram District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 86212

W.P.No.32970 of 2005

ASK(08/01/2019)



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