

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.613 of 2018 and
C.M.P.Nos.5973 and 5974 of 2018

- 1.The Director General of Police,
Kamarajar Salai, Chennai-600 004.
- 2.The Superintendent of Police,
Dharmapuri District, Dharmapuri.
- 3.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
- 4.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, PT Lee Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 002. Appellants

-vs-

A.Parthiban ... Respondent

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.23104 of 2012 dated 02.08.2017.

WP Prayer: Writ petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records made in Na.Ka.No.501/11229/Appointment 1 (2) /2011 dated 27/04/2011 on the file of the 1st Respondent herein and quash the same and consequently direct the fourth respondent to appoint the writ petitioner for the post of Constable Grade II in the available vacancy.

For Appellants :: Mrs.Narmada Sampath,
Addl.Advocate General
assisted by
Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For Respondent :: Mr.S.Ramachandran

JUDGMENT
(Made by HULUVADI G.RAMESH, J.)

Challenging the order of the first appellant dated 27.04.2011 and for a consequential direction to the fourth appellant to appoint the respondent in the post of Constable Grade II in the available vacancy, the respondent has filed a writ petition before this Court in W.P.No.23104 of 2012 and this Court by order dated 02.08.2017, allowed the writ petition with a direction to the first appellant to appoint the respondent as Grade II Constable on the basis of his selection conducted in 2010 with all attendant benefits like seniority, continuity of service and other service benefits excluding salary for the period when he has not worked on the basis of the principle "No work No Pay".

2.The said order passed by the learned single Judge is challenged in this appeal.

3.The learned Addl.Advocate General appearing for the appellants has submitted that the respondent had suppressed the material fact of his involvement in a criminal case in Morappur Police Station in Crime No.83 of 2009, by not stating the same in the application form filed by him for the post of Grade II Police Constable in the year 2010. She further submitted that if the respondent who has involved in a criminal case is selected for the post of Grade II Police Constable, the very purpose of selecting genuine persons will be defeated. Stating so, she prayed for quashing the order passed by the learned single Judge.

4.The learned counsel for the respondent has submitted that the learned single Judge has considered the matter in proper perspective and has passed the impugned order and hence the same does not require any interference in the hands of this Court.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It appears that the incident which culminated in the filing of the criminal case was relating to a group clash during a cricket match conducted in the village and the appellant, though was not part of the cricket match, was not aware that he being shown as accused in the criminal case. According to the appellant, there was no summons issued to him at all in the case and there was no occasion for him to indicate his involvement in the criminal case to the officials during the time when he was subjected to selection for appointment to the post of Constable Grade II.

7.It is true that non-disclosure of the information as regards involvement in the criminal case is not correct. But in the case on hand, the appellant was not summoned at all in the

criminal case and he was not aware that he being shown as accused in the criminal case. Further, it appears that the appellant's name has been subsequently deleted from the charge sheet on 12.05.2012, which deletion has been done on the basis of the fact that his name was wrongly included in the FIR at the first instance.

8.The learned single Judge has dealt with all aspects of the matter and set aside the order dated 27.04.2011 passed by the first appellant rejecting the candidature of the respondent, and hence the same cannot be interfered by this Court.

9.The writ appeal is devoid of merits and accordingly it is dismissed. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

KM

To

- 1.The Director General of Police,
Kamarajar Salai, Chennai-600 004.
- 2.The Superintendent of Police,
Dharmapuri District, Dharmapuri.
- 3.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
- 4.The Member Secretary, सतयमेव जयते
Tamil Nadu Uniformed Services Recruitment Board,
No.807, PT Lee Chengalvaraya Naicker Maligai,
Anna Salai, Chennai-600 002.

+1cc to Mr.S.Ramachandran, Advocate SR.No.31050
+1cc to Government Pleader SR.No.31325

W.A.No.613 of 2018
and
C.M.P.Nos.5973 and 5974 of 2018

NA(CO)
GN(18/05/2018)