



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.1071 of 2018

and

WMP (MD) Nos.1117 to 1119 of 2018

M.Muthumanoharan

... Petitioner

Vs.

1.The Deputy Inspector General
of Police,
O/o.the Deputy Inspector General
of Police,
Madurai Range, Madurai,
Madurai District.

2.The Authorized Officer and
Superintendent of Police,
District Police Office,
Madurai, Madurai District.

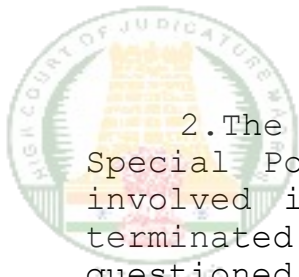
3.The Inspector of Police,
Avaniapuram Police Station,
Avaniapuram, Madurai District - 625 012.

4.The Commandant, TSP II Battalion,
i/c, Principal/Commandant,
Ty.PRS, TSP II Battalion,
Veerapuram, Chennai - 55.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order of cancellation of appointment in C.No.02/10829/Ty.PRS-TSP III/2017, dated 29.12.2017 on the file of the fourth respondent as illegal.

For Petitioner : Mr.S.Louis
For Respondents : Mr.K.Saravanan,
Government Advocate



2.The petitioner was appointed to the post of Tamil Nadu Special Police Youth Brigade by order dated 08.02.2014. He got involved in Crime No.268 of 2014. The petitioner was therefore terminated from service. The said order of termination was questioned by him before the Appellate Authority. The Appellate Authority by order dated 06.10.2016 set aside the termination and gave liberty to the Superintendent of Police, Madurai District to conduct a fresh enquiry in the matter.

3.The stand of the petitioner is that subsequent to the order passed by the Appellate Authority, no fresh enquiry was conducted and he continued to be a member of the Youth Brigade. The special recruitment for the members of the Youth Brigade for being absorbed in regular police force as Grade-II Police Constable was conducted in the year 2017. The petitioner was also selected. Subsequently, citing his involvement in the aforesaid criminal case, the impugned order dated 29.12.2017 came to be passed cancelling the petitioner's appointment. This is assailed in this writ petition.

4.The learned counsel appearing for the petitioner pointed out that all the facts pertaining to the petitioner are within the knowledge of the department. Therefore, the question of suppression of any fact would not arise in this case. Having consciously chosen to select and appoint him in the regular police force, it was not open to the respondent to now pass the impugned order of termination on the ground that the petitioner's character and conduct are not good.

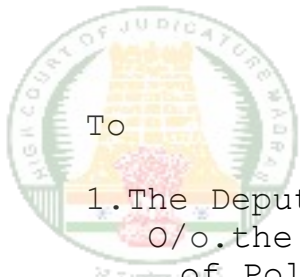
5.This Court does not propose to go into the merits of the matter. It is seen that before passing the impugned order, the fourth respondent did not put the petitioner on notice. Therefore, on the ground of violation of the principles of natural justice, the order impugned in this writ petition is quashed. Since the petitioner was a member of the Youth Brigade prior to his appointment to the post of Grade II Police Constable, it is made clear that till a fresh decision is taken by the fourth respondent after complying with the principles of natural justice, the petitioner shall continue to be a member of the Youth Brigade.

6.The fourth respondent is directed to issue notice to the petitioner and after receiving the petitioner's explanation within the stipulated time, pass final orders in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

1.The Deputy Inspector General of Police,
O/o.the Deputy Inspector General
of Police, Madurai Range, Madurai,
Madurai District.

2.The Authorized Officer and
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i/c, Principal/Commandant,
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Veerapuram, Chennai - 55.

+1CC to Mr.S.Louis, Advocate, SR.No. 55309

+1CC to the Special Government Pleader SR.No.55162

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AM/SKN RSK/SAR 4/16.03.2018/3P/7C