



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.161 of 2018
&
WMP (MD) Nos.171 & 172 of 2018

B.Malaimurugan

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-600 004.

2.Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office
Campus, Pantheon Road, Egmore,
Chennai - 600 008.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide his proceedings in A3/11758/2012 dated 18.02.2013 and to quash the same as illegal and arbitrary and consequently to direct the respondents to appoint the petitioner in the post of Grade-II Police Constable based on the provisional selection list in the common recruitment of Grade II Police Constables/Grade II Jail Warders/Fireman-2012 within the time limit.

For Petitioner : Mr.M.S.Jeyakarthik

For respondents : Mr.J.Gunaseelan Muthaiah,
Additional Govt., Pleader

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.



2.The writ petitioner was a candidate in the recruitment process conducted by the second respondent in the year 2012 for the recruitment to the post of Grade-II Police Constable, Grade II Jail Warden and Fireman. The writ petitioner was initially granted an order of appointment. Subsequently, it was cancelled as the writ petitioner was found to have been involved in a criminal case. The writ petitioner's appointment was therefore cancelled by the third respondent. The same is under challenge in this writ petition.

3.The learned counsel appearing for the writ petitioner would contend that on the date of notification, the writ petitioner was not involved in any criminal case. Lodging of the criminal case took place subsequently. Therefore, the impugned order proceeds on the erroneous premise that the writ petitioner had suppressed his involvement in the criminal case. On this ground, he wanted this Court to quash the impugned order and to remit the file to the third respondent to fresh consideration in accordance with law. He would also point out that the criminal case had since been quashed by this Court.

4.The said request was opposed by the learned Additional Government Pleader appearing for the respondents. Though this Court is of the view that even though the writ petitioner is justified in his contention that there was no suppression on his part, still this Court is not inclined to interfere with the order impugned in this writ petition. This is for more than one reason. The impugned order was passed as early as on 18.02.2013. The writ petition came to be filed only on 15.12.2017. There is an inordinate delay of four years and 10 months in mounting a challenge to the impugned order. In the affidavit filed in support of this writ petition, there is absolutely no reason explaining the long delay.

5.The learned counsel appearing for the writ petitioner would point out that the criminal case was quashed by this Court only on 15.02.2017. Subsequent quashing of the criminal case will not afford a cause of action for challenging the impugned order. The order quashing the criminal case was pursuant to the compromise entered into between the parties. Therefore, this Court does not see any reason to interfere with the order impugned in this writ petition.

6.The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



To

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-600 004.

2.Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office
Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

3.The Superintendant of Police,
Sivagangai District,
Sivagangai.

+One cc to Mr.M.S.Jeyakarthik, Advocate, SR.No.43504

skm

RL/5C/3P/SKN/RSK/SAR2/5/2/2018

W.P (MD) No.161 of 2018

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