



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2828 of 2018

and

W.M.P(MD)Nos.2983 and 2984 of 2015

S.Ramesh

... Petitioner

Vs.

1.The Tamil Nadu Uniformed Services
Recruitment Board,
rep. by its Vice Chairman,
Having Office at
Old Commissioner of Police Office Campus,
Pantheon, Egmore,
Chennai - 600 008.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

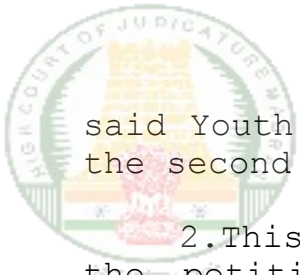
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned order passed by the second respondent dated 18.11.2017 vide his proceedings Na.Ka.No.A4/51408/2013 and quash the same as illegal and consequently direct the respondents No.1 and 2 herein to appoint the petitioner as a Tamil Nadu Special Police Youth Brigade 2013-2014.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel for
Mr.K.Prabhu

For Respondents : Mrs.S.Srimathy
Spl. Govt. Pleader

O R D E R

The petitioner is an applicant for being recruited in the Tamil Nadu Special Police Youth Brigade. He was implicated in a criminal case in Crime No.103 of 2013 on the file of Uthumalai Police Station. He had fairly and frankly disclosed his involvement in the said case. The petitioner was also subsequently acquitted by judgment dated 05.09.2017 in C.C.No.644 of 2016 on the file of the Judicial Magistrate, Alangulam. Nevertheless the petitioner was found to be disqualified for being recruited as the Member of the



said Youth Brigade by the impugned order dated 17.11.2017 passed by the second respondent. The same is assailed in this writ petition.

2.This Court is of the view that the criminal case, in which, the petitioner was implicated, is not one that involves moral turpitude. That apart, the petitioner has been later acquitted by the Criminal Court. A reading of the impugned order would show that there has been no specific analysis with particular reference to the role played by the petitioner. It appears that the petitioner has been found to be disqualified merely on the ground of his implication in the criminal case. Such an approach is not contemplated by law.

3.An individual and case-by-case approach must be adopted. This Court will emphasise that there should not be a stereotyped approach. Since such an approach has been adopted in this case, this Court is inclined to quash the order impugned in this writ petition. Accordingly, the impugned order is quashed and the matter is remitted to the file of the second respondent to pass fresh orders in accordance with law. Such exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above observations, this writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

1.The Vice Chairman

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

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1CC to Mr.K.Prabhu, Advocate, SR.No. 49984

+1CC to the Special Government Pleader SR.No.50202

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