



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.4052 of 2018

and

W.M.P. (MD) .Nos.4210 & 4211 of 2018

B.Kalimuthu

...Petitioner

Vs.

1.The chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai,
Chennai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.B1/147/13288/2017 dated 13.10.2017 passed by the second respondent and quash the same as illegal and consequently direct the respondents to grant an appointment to the petitioner (B.Kalimuthu) Enrolment No.2406722 pursuant to the common recruitment for Gr.II Police Constable, Gr.II for Jail Warden and Fireman in the year 2017.

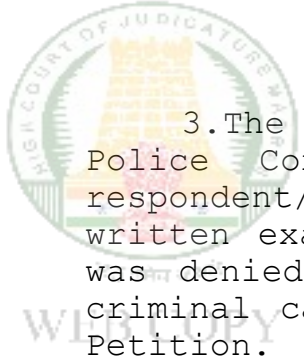
For Petitioner	: Mr.M.Kannan
For Respondents	: Mr.B.Pugalendhi
	Additional Advocate General
	Assisted by
	Mr.J.Gunaseelan Muthiah
	Additional Government Pleader

ORDER

Mr.B.Pugalendhi, learned Additional Advocate General, takes notice on behalf of the respondents.

By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.



3.The petitioner was an applicant for the post of Grade-II Police Constable. The recruitment was held by the first respondent/Board for the year 2017. He was successful in the written examination as well as in the physical test. However, he was denied employment on the ground that he was involved in two criminal cases. The said order is under challenge in this Writ Petition.

4.It is not in dispute that in both the cases, even though the petitioner's name was included in the First Information Report, he was ultimately dropped at the time of filing the charge sheet. Subsequently, the case of the petitioner is that he did not file any Anticipatory Bail Petition and at no point of time, he was aware of his implication in the said criminal cases. That is why, the petitioner could not refer to his implication in the criminal cases at the time of filling up of application form.

5.Considering these facts, this Court is inclined to quash the order impugned in this Writ Petition. Accordingly, the order impugned in the Writ Petition stands quashed. The matter is remitted to the file of the second respondent to consider afresh in accordance with law. The second respondent shall pass appropriate orders in accordance with law within a period of six weeks from today.

6.The Writ Petition is partly allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai.

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

+1CC to Mr.M.Kannan, Advocate, SR.No. 51389

W.P. (MD) .No.4052 of 2018
27.02.2018

tsg

<https://hcservices.ecourts.gov.in/hcservices/>

AM/SV MMS/SAR 27/28.02.2018/2P/4C