



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.1096 of 2015

- 1.The Director General of Police,
Kamarajar Salai,
Chennai-600 004.
- 2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Le Chengalvarrayar Maligai,
Anna Salai, Chennai-02.
- 3.The Superintendent of Police,
Sivagangai District, Sivagangai. : Appellants/Respondents

Vs.

G.Murugan : Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 26.03.2013, made in W.P.(MD) No.2358 of 2013.

Prayer in WP(MD). 2358/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining the impugned order passed by the third respondent vide Na.Ka.No. A3/11758/2012 dated 24/01/2013 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Grade-II Police Constable.

For Appellants	: Mr.A.K.Baskarapandian, Special Government Pleader
For Respondent	: Mr.V.Kannan

J U D G M E N T

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

This Writ Appeal has been preferred as against the order of the learned Single Judge, by which, the Writ Petition filed was allowed.

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2. The facts of the case are as follows:



The respondent/writ petitioner appeared for the examination for the post of Grade-II Police Constable. His candidature was rejected on the ground that he was working at the relevant point of time as Constable in CRPF and he wrote the examination without intimating the said authority and disclosing the aforesaid fact. The second reason was with respect to the involvement in the criminal case. The learned Single Judge was pleased to allow the Writ Petition *inter alia* holding that there is no law which prohibits an in service candidate in CRPF to appear for examination for the post of Grade-II Police Constable. Secondly, it was held that inasmuch as the name of the respondent/writ petitioner was deleted from the charge sheet, he cannot be termed as a person involved in the criminal case.

3. We find no error in the reasoning adopted by the learned Single Judge. There is no material produced by the appellants to the contrary. It is seen that there is no rule or regulation, which prohibits an in service candidate working as Constable in CRPF for appearing for some other examination. Similarly, neither notification nor rule pertaining to the recruitment provides so. The other rule, especially, with respect to Rule 14 of the Tamil Nadu Special Police Subordinate Service Rules, 1978, also does not have any application to the case on hand. When the name of the respondent/writ petitioner has been deleted from the charge sheet, he cannot be stated to be involved in an offence. We are not dealing with a case of adjudication by the Court. Even the investigating agency has dropped the case against the respondent/writ petitioner.

4. In such view of the matter, the Writ Appeal stands dismissed. Consequently, the order of the learned Single Judge stands affirmed. The appellants are directed to comply with the order of the learned Single Judge, within a period of eight weeks from the date of receipt of a copy of this judgment. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

TO

1.The Director General of Police,
Kamarajar Salai,
Chennai-600 004.

2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Le Chengalvarrayar Maligai,
Anna Salai, Chennai-02.



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

+1 CC To MR.V.KANNAN, Advocate SR. NO. 94124

+1 CC TO The Special Government Pleader SR.NO. 94251

Judgment made in
W.A. (MD) No.1096 of 2015
Dated: **01.11.2018**

SML

TR/SV/SAR-I (23.11.2018) 3P 6C