



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3329 of 2014

and

W.M.P. (MD). Nos. 2 of 2014 & 1 of 2015

Paranjothi

.. Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Chennai - 04.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, for the records of the second respondent in his proceedings in Na.Ka.No. A-2(1)/43147/2013, dated 11.02.2014 and quash the same as illegal, violation of principles of law and further direct the respondents to appoint the petitioner in the Tamil Nadu Special Police Youth Brigade in Virudhunagar District within the time stipulated by this Court.

For petitioner

: Mr.G.Marimuthu

For respondents

: Mrs.S.Srimathy

Special Government Pleader

O R D E R

Heard Mr.G.Marimuthu, learned Counsel appearing for the petitioner and Mrs.Srimathy, learned Special Government Pleader appearing for the respondents.

2. The petitioner submitted his application for being recruited in the Tamil Nadu Special Police Youth Brigade in Virudhunagar District. The petitioner belongs to Backward Classes community. He was however denied for appointment on the ground that he was involved in a criminal case. An order to this effect was passed on 11.02.2014 by the second respondent herein. The same is assailed in this writ petition.



3. The learned Counsel appearing for writ petitioner submitted that even though the writ petitioner omitted to disclose his implication in a criminal case while submitting his application, he frankly disclosed the said facts at the time of the verification of the antecedents. That there was a disclosure at the stage of verification is also admitted in the counter affidavit. As per Rule 3(b) of the Tamil Nadu Special Police Youth Brigade Act, 2013, the candidate must be of good character apart from possessing the other eligibility requirement.

4. In the present case, the second respondent herein has come to a conclusion that the writ petitioner was not of good character, only in view of his implication in Crime No.277/2010 on the file of the Rajapalayam South Police Station, Rajapalayam.

5. The Special Government Pleader appearing for the respondent called upon this Court to sustain the impugned order and reiterated the ground set out in the counter affidavit.

6. The learned counsel appearing for the petitioner pointed out that even though the writ petitioner was implicated in the said criminal case and he was also arrested, he was finally acquitted on 31.10.2012 by the Principal Sessions Court in S.C.No.58 of 2010. He also pointed out that the de facto complainant did not support the case of prosecution. The learned counsel placed reliance on the decision of this Court reported in **2014 (3) CTC 2018 - S.Kirubakar & others vs. The Deputy General of Police and others**. The learned Judge pointed out that the recruitment rule in the case of Youth Brigade is different from the one applicable in the case of the recruitment of constabulary. After an elaborate consideration of the earlier Case Laws including the decision rendered by the full bench and larger Bench of this Court, the learned Judge came to the conclusion that when the candidate in question was acquitted by the Criminal Court, the authority was not justified in holding that the writ petitioner would still suffer from a disqualification.

7. This Court is of the view that the aforesaid decision would govern the case on hand also. When the writ petitioner was acquitted by the competent criminal Court, the second respondent was not justified in coming to the conclusion that the character of the writ petitioner is not good. In the order impugned in this writ petition, no other material has been placed to indicate that the petitioner's character or conduct is not good. Merely because the person was implicated in a criminal case, the authority could not have come to a conclusion that his character is not good. In this view of the matter the order impugned in this writ petition is quashed.



8. The learned Special Government Pleader appearing for the respondents pointed out that the recruitment in this case pertains to the earlier year and the training is already over.

9. Therefore, this Court direct the respondents to depute the writ petitioner for training when the next recruitment for the post of Tamil Nadu Special Police Youth Brigade take place.

10. This Writ petition is allowed accordingly. No costs. Consequently, all the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Director General of Police,
Office of the Director General of Police,
Chennai - 04.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

+1cc to The Spl. Government pleader Sr.No.45969

+1cc to G.M. Law Office, Sr.No.45400

KMI

VB/RSK/SAR1/03/05/2018/3P/5C

ORDER MADE IN
W.P (MD) .No.3329 of 2014
31.01.2018