



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1500 of 2018
and
C.M.P. (MD) .No.10673 of 2018

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai - 600 008.

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

.. Appellants / Respondents

-vs-

Santhanamarimuthu

.. Respondent / Petitioner

PRAYER: Appeal filed under Section 15 of Letters Patent, praying to set aside the order passed by this Court in W.P.(MD).No.19923 of 2017 and W.M.P.(MD).Nos.16195 and 16196 of 2017, dated 04.01.2018.

Prayer in WP(MD)No. 19923/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified mandamus to call for the records of the Impugned order in Na.Ka.No.A2(1)/68/3870/2017 dated 3.10.2017 passed by the 2nd Respondent and quash the same as illegal and consequently direct the Respondents to grant an appointment to the petitioner (S.Santhana Marimuthu), Enrollment No.2502378 pursuant to the Common Recruitment for Gr.II Police Constable, Gr.II for Jail Warden and Fireman in the year 2017.

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

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

This writ appeal is preferred against the order of the learned Single Judge, by which, the writ petition filed was allowed on the ground that there is no material to hold that the respondent was aware of the criminal case, which is prevail in nature.



2. The learned Special Government Pleader appearing for the appellants would submit that the issues covered the judgment of the larger Bench of this Court.

3. We are of the view that the above said judgment may not apply to the case on hand. The case against the respondent is that he has wilfully disclose the pendency of the criminal case, which was registered against him. There is nothing on record to show that he is aware of it.

3. The respondent was a college student at the relevant point of time. His name was also not found in the FIR. It appears that even the charge sheet has not been filed on the date of certificate verification. Filing of the charge sheet before the jurisdictional Court is one thing and then the initiation of proceedings. Thereafter, the jurisdictional Court has taken cognizance on the charge sheet filed and issued notice to the accused. Hence, the respondent cannot be said that he is aware of it, especially, when his name is not found in the FIR.

4. In such view of the matter, we are of the view that there is nothing wrong in the order passed by the learned Single Judge.

5. With the above observation, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

+1CC to Mr.M.Kannan, Advocate, SR.No.92559
+1CC to the Special Government Pleader SR.No.92955

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PJL
ES/PM/SAR 2/22.11.2018/2P/3C