



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.14773 of 2018

and

W.M.P. (MD) No.13323 of 2018

V.Ilayaraja

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Home (Police) Department,
Secretariat, Chennai.
2. The Chairman,
Tamil Nadu Uniform Services
Recruitment Board,
No.807, 2nd Floor, Anna Salai,
Chennai.
3. The Director General of Police,
O/o.Director General of Police,
Inspector General of Prisons,
Egmore, Chennai.
4. The Additional Director General of Police,
O/o.the Additional Director General of Police,
Inspector General of Prisons, Egmore, Chennai.
5. The Superintendent of Police,
O/o.the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner as juvenile delinquent and consequently to provide employment as constable with consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathy, Spl.G.P.

**ORDER**

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner as juvenile delinquent and consequently to provide employment as constable with consequential benefits within the time period stipulated by this Court.

2. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The petitioner applied for recruitment/appointment to the post of Police Constable in the year 2013. The petitioner claimed to have been selected for the appointment to the post of Grade II Warder in the year 2013 subject to police verification and medical examination. Later, it was found in the police verification that he involved in criminal case in Muthukulathur Police Station in crime No.24 of 2010 for the alleged offence punishable under Sections 294 (b), 323 and 506(ii) of I.P.C. The said case was ended in acquittal under Section 248(1) of Cr.P.C., on the file of the Judicial Magistrate on 14.03.2012. Hence, the third respondent issued a memo dated 17.11.2017 and since the petitioner was juvenile at that time, the Juvenile Justice Board, Ramanathapuram had also acquitted the petitioner and recorded the same in its order dated 03.02.2017.

4. In view of the said development, since the petitioner had been acquitted by the Juvenile Justice Board, as there was no case against him, he had made a request on 25.06.2018 to the respondents for considering his candidature for the appointment. In this regard, the learned counsel appearing for the petitioner would submit that if the said request of the petitioner dated 25.06.2018 is directed to be considered on merits and an order to that is directed to be passed, within a time frame, the petitioner would be satisfied.

5. I have heard the learned Special Government Pleader appearing for the respondents, who would submit that the said representation of the petitioner dated 25.06.2018 would be considered by the fourth respondent on merits, within a time frame.

6. In view of the limited scope of the writ petition and after hearing both sides, this Court is inclined to pass the following order:

"The fourth respondent is directed to consider the representation of the petitioner dated 25.06.2018, by taking into account the fact that the Juvenile Justice Board, Ramanathapuram had already acquitted the petitioner and the same has been recorded in the proceedings dated 03.02.2017 and accordingly, pass orders on the said request of the petitioner seeking



appointment, within a period of six weeks from the date of receipt of a copy of this order."

7. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal Secretary to Government, State of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai.
2. The Chairman,
Tamil Nadu Uniform Services
Recruitment Board,
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O/o. Director General of Police,
Inspector General of Prisons,
Egmore, Chennai.
4. The Additional Director General of Police,
O/o. the Additional Director General of Police,
Inspector General of Prisons, Egmore, Chennai.
5. The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1cc to Mr. T. Lajapathi Roy, Advocate Sr.No.72366
+1cc to Spl. Government Pleader Sr.No.72285

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VB/BK/SAR2/06.12.2018/3P/8C

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