



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.19354 of 2017

and

W.M.P. (MD) Nos.15673 and 15674 of 2017

M.Anburose

... Petitioner

Vs.

1. The Chairman,
Uniform Service Recruitment Board,
Chennai.

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

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.A2(1)/68/3870/2017 dated 03.10.2017 and quash the same as illegal and arbitrary and in consequence thereof direct the respondents to consider the candidature of the petitioner as eligible and issue the order of appointment at once.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents	: Mr.B.Pugalendhi, Additional Advocate General Asst.by Mr.A.K.Bhaskarapandian, Special Government Pleader

ORDER

The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai - 2, issued notification dated 23.01.2017 inviting applications for the post of Police Constables - Grade II, Jail Warders - Grade II and Fireman, 2017.

2.The petitioner herein was eligible to apply for the said post. He made an application. He was issued with the hall ticket. He took part in the selection process. He was successful also. But, he was denied appointment. This was because while verifying the antecedents of the petitioner, it came to be known that he was involved in a criminal case. It is true that the said criminal case was closed for non prosecution. By invoking Rule 14(b)(ii) and (iv) of Tamil Nadu Special Police Subordinate Service Rules, the second respondent herein came to the conclusion that the petitioner's conduct and character was not satisfactory. As a result, appointment was denied to him. The order



denying appointment is impugned in this writ proceedings.

3. Heard the learned counsel appearing for the writ petitioner as well as the learned Additional Advocate General for the respondents.

4. It is relevant to note that the petitioner was a minor on the date of registration of the criminal case against him. Therefore, even though he was tried as an adult, the beneficial provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 will be applicable to him. It is also true that the said criminal case was closed by the criminal Court for non prosecution. Therefore, the petitioner cannot be denied appointment on the ground of unsatisfactory conduct. The order impugned in the writ petition is quashed. A direction is issued to the second respondent to issue appropriate orders in favour of the petitioner within a period of two months from the date of receipt of a copy of this order.

5. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Uniform Service Recruitment Board,
Chennai.
2. The Superintendent of Police,
District Police Office,
Virudhunagar District.

+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 40709
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 40656

ARUL

TE/SKN-RSK/SAR-1 : 25/01/2018 : 2P/5C

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04.01.2018