



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.19606 of 2017

and

W.M.P.(MD) Nos.15885 and 15886 of 2017

P.Senthilkumar

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai - 600 008.

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

3.The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling records relating to the proceedings of the second respondent made in Na.Ka.No.A3/12750/2017 dated 04.10.2017 and quash the same and consequently direct the respondents to select the petitioner to the post of Constable Grade II.

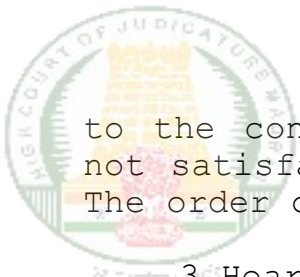
For Petitioner : Mr.E.D.Prakash

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

O R D E R

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 petitioner was acquitted. 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, the 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. The petitioner belongs to the downtrodden Scheduled Caste community. It is true that the petitioner was shown as having been involved in a criminal case. But, when the relevant records were called for, it is seen that there was an agitation against a liquor shop in the locality. The petitioner has been shown as 18th accused in the said case. Prohibition is a constitutional objective. If the writ petitioner had demonstrated against opening a TASMAC shop in his locality, it is to be lauded. It is not as if the petitioner indulged in any act of violence. Therefore, the case of the petitioner will have to be viewed with indulgence and sympathy. The Hon'ble Supreme Court had stated that if the antecedent criminal case is of a petty nature, the authority can very well condone the same. It is true that there was no disclosure by the petitioner about the same. However, considering the case facts and circumstances of the case, this Court is of the view that the same deserved to be condoned.

5. Considering the social background of the petitioner as well as the fact that he was involved in an agitation against the opening of a liquor shop, this Court is of the view that the impugned order deserves to be quashed.

6. The second respondent is directed to issue appropriate appointment orders in favour of the petitioner, within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman

Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai - 600 008.

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

3. The Inspector of Police, Andipatti Police Station,
Andipatti, Theni District.

+One cc to Mr.E.D.Prakash, Advocate, SR.No.40602

+One cc to The Special Government Pleader, SR.No.40657

<https://hcservices.ecourts.gov.in/hcservices/>

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