



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.19812 of 2017

and

W.M.P. (MD) Nos.19136 and 16083 of 2017

Mohamed Jaffer Shareif

... Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Secretary,
Home Department,
Fort St. George,
Chennai - 9.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.

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

... 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 pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.A4/44294/2017 dated 31.10.2017 and quash the same as illegal and consequently direct the respondents to issue appointment order based on his selection in common recruitment for the posts of Gr.II Police Constables (Men, Women & Third Gender) Gr.II Jail Warders (Men, Women) and Firemen for the year of 2017 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.T.A.Ebenezer

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 third 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 born on 25.02.1993 and that on the date of registration of the criminal case against him, he was a minor. 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. Besides, the petitioner had duly disclosed the same at the time of verification. Therefore, the order impugned in the writ petition is quashed. A direction is issued to the third 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.

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

Sd/-

Assistant Registrar(CSIII)

/True copy/

Sub-Assistant Registrar

To

1.The Secretary, State of Tamil Nadu,
Home Department, Fort St. George, Chennai - 9.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.

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

+One cc to M/s.T.A.Ebenezer, Advocate, SR.No.40471

+One cc to The Special Government Pleader, SR.No.40659

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

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