



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19923 of 2017

and

W.M.P.(MD) Nos.16195 and 16196 of 2017

S.Santhanamarimuthu

... Petitioner

Vs.

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

2.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, to call for the records of the impugned order in Na.Ka.No.A2(1)/68/3870/2017 dated 03.10.2017 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 Petitioner : Mr.M.Kannan

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 Wardens - 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. 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 scheduled caste community. He appears to have participated in a demonstration organised by fellow students in connection with the suicide of one Anantharaj, who was studying in B.A.English degree course in his college. There is nothing on record to show that the petitioner was aware of his implication in crime No.105 of 2016 registered on the file of Inspector of Police, Sattur Police Station. The offences attributed to the petitioner are really petty in nature.

5.Considering the social background of the writ petitioner and also the petty nature of the case registered against him, this Court is of the view that he cannot be denied appointment. Therefore, this Court is of the view that in this case, the second respondent was not justified in invoking Rule 14(ii) and (iv) of Tamil Nadu Special Police Subordinate Rules. In fact, in this case, the petitioner was not even aware of the registration of the case. The Hon'ble Supreme Court in the decision reported in 2016 (8) SCC 471 Avtar Sing Vs. Union of India and Others specifically held that before a person is held guilty of suppression, the knowledge of the fact must be attributed to him. This is clearly not available in this case. Therefore, the order impugned in this writ petition stand quashed. 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.

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

Sd/-
Assistant Registrar (CO)

/True Copy/



To

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

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

+1cc to M/S.M.KANNAN, Advocate SR.No.40561.

+1cc to Special Government Pleader in SR.No.40662.

W.P (MD) No.19923 of 2017
and

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SDS/KKR/SAR 4/31.01.2018/3P/5C