



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P(MD)No.19985 of 2017 and
W.M.P.(MD) Nos.16306 and 16307 of 2017

R.Ajithkumar

... Petitioner

Vs.

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

2. The Superintendent of Police,
Office of the District Superintendent of Police,
Madurai 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 records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.B1/147/13288/2017 dated 25.10.2017 and quash the same and consequently direct the respondents herein to appoint the petitioner as Police Constable Grade II (Men) for the year 2017 vide Enrollment No.2418831.

For Petitioner : Mr.C.Jeganathan for
M/s.Veera Associates
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, 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, 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 seen from the impugned order that only security proceedings under Section 107 of Cr.P.C. were initiated against the petitioner. By no stretch of imagination can this be construed as a criminal case. Even though FIR is registered for initiating proceedings under Section 107 of Cr.P.C., the persons named in the FIR cannot be construed as accused. In fact, there is no mention of any offence by them. The very object of the proceedings is to prevent commission of offence. Therefore, even if the petitioner had omitted to mention the details of such proceedings, the same cannot be put against the petitioner. The aforesaid Rule 14(b) (ii) and (iv) of Tamil Nadu Special Police Subordinate Service Rules cannot be invoked in such cases.

5. In this view of the matter, the order impugned in this writ petition stands quashed. The second respondent is directed 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 (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.
2. The Superintendent of Police,
Office of the District Superintendent of Police,
Madurai District.

+ 1 CC TO M/s.VEERA ASSOCIATES, IN SR No. 40558
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 40675

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