



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20067 of 2017

and

W.M.P. (MD) Nos.16327 and 16328 of 2017

V.Ravi

... Petitioner

Vs.

1. The Director General of Police,
State Head Quarters Office,
Chennai - 4.
2. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
4. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.

(R4 is impleaded vide Court order
dated 11.12.2017 in
W.M.P.No.16834 of 2017)

... 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 records on the file of the 2nd respondent the impugned order vide Na.Ka.No.A3/9645/2017 dated 24.10.2017 and quash the same as illegal and consequently direct the respondents 1 to 3 to issue appointment order to the petitioner to the post of Grade II Police Constable for the year 2017.

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

ORDER



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 during the verification, the antecedents of the petitioner came to be known. He was involved in a criminal case. 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 proceeding.

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 therein 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 an 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 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/-

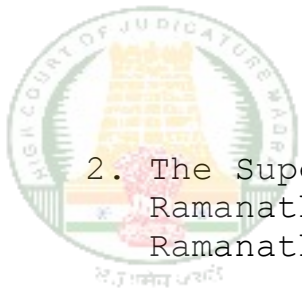
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
State Headquarters Office,
Chennai - 4.



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

3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

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

+1cc to Mr.R.Murugan, Advocate Sr.No.40450

+1cc to the Spl.Government Pleader Sr.No.40676

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VB/KK/SAR2/30.01.2018/3P/7C

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