



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20073 of 2017

and

W.M.P. (MD) Nos.16339 to 16341 of 2017

Chellamuniyandi

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
Home (Police) Department,
Fort St. George,
Chennai.

2.The Director General of Police,
The Director General of Police Office,
Mylapore,
Chennai.

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

4.The Tamil Nadu Uniformed Services Recruitment Board,
represented by its Chairman,
P.T.Lee. Chengalvaraya Naicker Building,
No.807, 2nd Floor, Anna Salai,
Chennai - 2.

(R4 impleaded vide Court order dated 11.12.2017
in W.M.P. (MD) NO.16842)

... 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 impugned order in Na.Ka.No.B1/147/13288/2017 dated 13.10.2017 passed by the 3rd respondent and quash the same as illegal and consequently to appoint the petitinoer in the post of Gr.II Police Constables (Men, Women & Third Gender) of the year of 2017.

For Petitioner : Mr.R.Rajaraman

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 20.04.1993 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 (Police) Department,
Fort St. George,
Chennai.



2.The Director General of Police,
The Director General of Police Office,
Mylapore,
Chennai.

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

4.The Tamil Nadu Uniformed Services Recruitment Board,
represented by its Chairman,
P.T.Lee. Chengalvaraya Naicker Building,
No.807, 2nd Floor, Anna Salai,
Chennai - 2.

+One cc to M/s.R.Rajaraman, Advocate, SR.No.40412

+One cc to The Special Government Pleader, SR.No.40672

Arul

RL/7C/3P/SV/MMS/SAR1/31/1/2018

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