



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20235 of 2017

and

W.M.P.(MD) No.16487 of 2017

B.Priyan

... Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 4.

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

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

... 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 in connection with the impugned order passed by the 3rd respondent in Na.Ka.No.B1/147/13288/2017 dated 13.10.2017 and quash the same as illegal and consequently direct the respondents herein to appoint the petitioner as Grade II Armed Reserve Police in the selection of the year 2017 within a time frame that may be fixed by this Court.

For Petitioner : Mr.C.Ezhilarasu
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 the authorities came to know, during the verification exercise, of the antecedents and character of the petitioner in view of his involvement in a criminal case. The impugned order therefore came to be issued denying him appointment. 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.The learned counsel appearing for the petitioner pointed out that the case against him was registered only on 04.05.2017, which was subsequent to the date on which he applied for the post. That apart, it was purely a family dispute. There is no moral turpitude involved in this case. The writ petitioner also filed an affidavit to the effect that he and the defacto complainant Sofia are happily living together. The criminal case against the petitioner ended in acquittal. The judgment of acquittal was rendered as there was no evidence in support of the prosecution case. Therefore, the writ petitioner should not be deprived of being appointed to the post of Police Constable. The order impugned in the writ petition is therefore set aside. A direction is issued to the third respondent 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.

5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Director General of Police,
Kamarajar Salai, Mylapore, Chennai - 4.

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

3.The Superintendent of Police, Madurai, Madurai District.
+2ccs to M/s.V.Pandi, Advocate, SR.Nos.40551, 40765
+One cc to The Special Government Pleader, SR.No.40669

Arul

RL/7C/2P/KK/SAR1/7/2/2018

W.P (MD) No.20235 of 2017