



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.01.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P(MD)No.20410 of 2017
and
W.M.P. (MD) No.16678 of 2017

V.Arasu ... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Chennai - 8.

2.The Superintendent of Police,
Karur District,
Karur. ... Respondents
(R2 impleaded as per order dated
11.01.2018 made in W.M.P.No.19517/2017)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to appoint the petitioner as an Armed Reserve Constable Grade II on the basis of results published by the first respondent in his website dated nil.

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

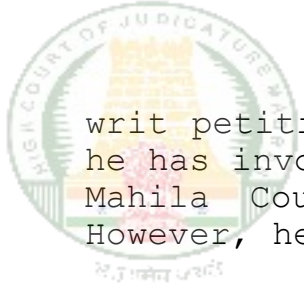
O R D E R

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General appearing for the respondents.

2.The writ petitioner was a candidate, who applied in response to the recruitment notification issued by the first respondent for the posts of Grade-II Police Constables/Grade-II Jail Warders/Fireman for the year 2017. He took part in the selection process. He was also successful in the selection tests. Even though he was provisionally selected, he was not issued with any appointment order. Therefore, the petitioner has filed this petition seeking a writ of mandamus.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner would submit that the



writ petitioner at the time of application, disclosed the fact that he has involved in a criminal case. He was however acquitted by the Mahila Court, FTC, Karur in S.C.No.23 of 2015 on 17.12.2017. However, he was not issued with any appointment order.

4.It is seen from the available materials on record that neither the petitioner nor the authorities produced any copy of order denying appointment to the writ petitioner. Be that as it may, a direction shall issue to the second respondent, viz., the Superintendent of Police, Karur District to examine the case of the writ petitioner afresh in accordance with law.

5.The Hon'ble Supreme Court in 2016 (8) SCC 471 - Avtar Singh Vs. Union of India and Others laid down a set of parameters. It is open to the employer to examine the judgment of acquittal rendered in favour of the writ petitioner and take a decision. Even if there is a lapse on the part of the applicant, the same could be condoned. This matter is entirely left to the discretion of the employer. This Court therefore directs the second respondent to examine the case of the writ petitioner in the light of the aforesaid decision and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is 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,
Chennai - 8.

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

+1cc to M/S.VEERA ASSOCIATES,Advocate,SR. 42590
+1cc to M/S.Special Government Pleader,SR. 42414

W.P (MD) No.20410 of 2017
and

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11.01.2018

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KK/SV MMS/SAR 1/08.02.2018/ 2P- 5C/