



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20419 of 2017

and

W.M.P. (MD) No.16687 of 2017

G.Pappuraj

... 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 the records in Na.K.No.B-1/147/13288/2017 dated 25.10.2017 issued by the 2nd respondent and quash the same and consequently direct the respondents to appoint the petitioner as a Police Constable Grade II vide Registration No.2405540 for the year 2017.

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 his 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 a 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 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,
Pantheon Road, Egmore, Chennai - 600 008.

2. The Superintendent of Police,
Office of the District Superintendent of Police,
Madurai District.



+1cc to M/S.Special Government Pleader,SR. 40681
+1cc to M/S.VEERA ASSOCIATES,Advocate,SR. 40582

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