



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20588 of 2017

and

W.M.P. (MD) No.16881 of 2017

S.Santhanapandian

... Petitioner

Vs.

1. The Director General of Police,
Tamil Nadu, Mylapore,
Chennai - 4.

2. Tamil Nadu Uniformed Services Recruitment Board,
rep. by its Chairman,
No.807, P.T.Lee.Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai - 2.

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

... 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 the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.A5/4615/2017 dated 26.10.2017 and quash the same as illegal and consequently direct the respondents to appoint the petitioner as Grade-II Police Constable in the common recruitment of Grade-II Police Constable/Grade-II Jail Wardens/Fireman-2012.

For Petitioner : Mr.D.Selvaraj

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 Wardens - 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 criminal case registered against the petitioner was quashed by an order of this Court dated 24.04.2017 made in Crl.O.P.(MD) No.4985 of 2016. 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 14.03.1999 and that on the date of registration of the criminal case against him, he was a minor. Therefore, 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 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(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Tamil Nadu, Mylapore,
Chennai - 4.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
10.007, P. I. Ee.Chengalvaraya Naicker Maaligai,
Anna Salai, Chennai - 2.



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

+1cc to Mr.D.Selvaraj, Advocate Sr.No.41227

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and
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