



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22666 of 2017

and

W.M.P.(MD) No.18964 of 2017

K.Kaviyarasu

... Petitioner

Vs.

1.The Chairman,

Tamil Nadu Uniformed Services Recruitment Board,
Chennai - 600 002.

2.The Superintendent of Police,

Karur District,

Karur.

... Respondents

(R2 is suomotu impleaded vide order
dated 11.01.2018)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner for appointment and posting on par with other selected candidates for the post of Grade-II Constable/Grade-II Jail Warder and Fireman in February 2017 recruitment and selection by the respondent without reference to pending criminal cases against the petitioner.

For Petitioner : Mrs.J.Padhmaavathi Devi

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.

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 criminal cases and the cases were pending before the concerned trial Courts.

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(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai - 600 002.
2. The Superintendent of Police,
Karur District, Karur.
+One cc to The Special Government Pleader, SR.No.42459
Arul
RL/4C/2P/MR/SAR2/8/2/2018

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