



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.23873 of 2017
and
W.M.P.(MD) No.20006 of 2017

G.Ragavan

... 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 Director General of Police,
Office of the Director General of Police,
Chennai - 4.

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

4.The Sub Inspector of Police,
Kottampatti Police Station,
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 the records pertaining to the impugned order in Na.Ka.NO.B1/264/43878/2015 dated 06.01.2016 passed by the respondent No.3 and quash the same as illegal and for consequential direction, directing the respondents to appoint the petitioner (Registration Number 2409923) as Grade-II Constable (Armed Reserve Police) in the Tamil Nadu Uniformed Services Recruitment Board forthwith.

For Petitioner : Mr. R.Venkatesan

For Respondents : Mr.B.Pugalendhi,
Additional Advocate General
Asst.by Mr.A.K.Bhaskarapandian,
Special Government Pleader

O R D E R

The writ petitioner took part in the recruitment process conducted by the first respondent for filling up vacancies in the post of Grade-II Police Constables/Grade-II Jail Warders/Fireman for the year 2012.

2.The writ petitioner was found to be suffering from defective vision. Therefore, he was asked to undergo medical test. The writ petitioner was successful in the medical test conducted by the medical board. But, he was not issued with any orders of appointment. On the other hand, by order dated 06.01.2013, the writ petitioner was informed that he was not qualified to be appointed as Grade-II Police Constable. This was because the writ petitioner was found to have been involved in two criminal cases viz., crime No.301 and 303 of 2015 on the file of Kottampatti Police Station.

3.The materials on record indicate that following the unfortunate death of a girl child in a case of road accident, the public had staged a Dharna. In this regard, criminal cases were registered against a very large number of persons. The writ petitioner was also implicated in the said case. There is no specific or individual overt act attributed to the writ petitioner. That is why, one case was closed as "Mistake of Fact", while in the other case, investigation was stayed by orders of the Judicial Magistrate. Recruitment process pertains to the year 2012. The criminal cases referred to in the impugned order are of the year 2015. The nature of the criminal cases has also been set out already. The Hon'ble Supreme Court in the decision of *Avtar Singh Vs. Union of India and Others* reported in 2016 (8) SCC 471, held that if the criminal cases in which the candidate is said to have been involved was trivial in nature such as shouting slogans, the employer can ignore the same and condone the lapse. In this case, the writ petitioner has not been involved in a case of moral turpitude. He also belongs to backward class community.

4.Considering all these aspects, this Court is inclined to quash the order impugned in this writ petition and the same is accordingly is quashed. The third respondent is directed to issue appropriate appointment orders in favour of the writ petitioner within a period of eight weeks 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(AS)

/True Copy/



To

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+One cc to The Special Government Pleader, SR.No.42432

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RL/6C/3P/KKR/SAR1/2/2/2018

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