



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.24202 of 2017

and

W.M.P. (MD) .Nos.20312 & 20313 of 2017

V.Arunachalam

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Principal Secretary to Government,
Home (Police) Department,
Secretariat, Chennai-600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai-600 002.
3. The Director General of Police,
Mylapore, Chennai-600 004.
4. The Superintendent of Police,
Madurai District,
Madurai.
5. The Inspector of Police,
Oomatchikulam Circle,
Madurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the fourth respondent in Na.Ka.No.B1/147/13288/2017 dated 13.10.2017 and consequently direct the third respondent to consider the petitioner's case in the light of the order of the larger Bench of Supreme Court of India in 'Avatar Singh Vs. Union of India as reported in (2016) 8 SCC 471 and to direct the respondents to appoint the petitioner as Police Constable Grade II in the services of the Tamil Nadu Police, within a specified time frame by this Court.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.B.Pugazhendhi

Additional Advocate General Assisted
Mr.A.K.Baskara Pandian

Special Government Pleader

**ORDER**

Heard Mr.A.Joseph Jerry, learned Counsel, appearing for the petitioner and Mr.B.Pughazhendhi, learned Additional Advocate General, assisted Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents.

2.By consent of both the parties, the main writ petition is taken up for final disposal.

3.The petitioner was a candidate in the recruitment process held for the post of Grade II Police Constable in the year 2017. He was successful in the selection process. He has cleared the selection process, but he was denied appointment particularly on the two grounds.

(i)Firstly his vision was said to be defective.

(ii).Secondly, he was involved in as many as three criminal cases. An order to this effect was passed on 13.10.2017 by the fourth respondent herein and the same is assailed in the writ petition.

4.The learned counsel appearing for the petitioner would point out that he has got right to file an appeal questioning the disqualification on medical grounds. He has expressed his willingness to undergo a second medical test. Therefore, the fourth respondent is directed to constitute the second medical board on or before 15.03.2018.

5.As regards, the disqualification on the ground of prior involvement in the criminal case, I am of the view that following the decision of the Hon'ble Supreme Court reported in **(2016) 8 SCC 471-(Avtar Singh Vs. Union of India and others)**, the impugned order can be set aside and the matter can be remitted to the file of the fourth respondent to decide the matter afresh in accordance with law. It is mentioned that Crime No.238 of 2016 is still pending. It is now brought to my notice that even prior to the passing of the impugned order dated 13.10.2017, the said criminal case has been quashed on 22.09.2017. S.T.C.No.67 of 2017 has also ended in acquittal, of course, ten days after passing of the impugned order.

6.In these circumstances, in the interest of justice, the fourth respondent is directed to examine the matter and pass orders afresh in accordance with law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



7. With the above observations and directions, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

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/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai-600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
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4. The Superintendent of Police,
Madurai District,
Madurai.
5. The Inspector of Police,
Oomatchikulam Circle,
Madurai District.

+1cc to Spl. Government Pleader Sr.No.42493

+1cc to Mr.A.Joseph Jerry, Advocate Sr.No.42070

TSG

VB/KK/SAR2/20.02.2018/3P/8C

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