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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1447 of 2016

and

WMP(MD)Nos.1198 and 1199 of 2016

K.Kalimuthu

... Petitioner

Vs.

1.The Tamil Nadu Uniformed Service
Recruitment Board by its Member
Secretary,
807, 2nd Floor, Anna Salai,
Chennai - 600 002.

2.The Director General of Police,
Mylapore,
Chennai - 600 004.

3.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

... 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 on the file of the third respondent in connection with the impugned order of rejection of selection for appointment to the post of Sub Inspector of Police (Taluk) for the year 2015 vide his proceedings in C.No.A2/21544/2015-4 dated 08.01.2016 and quash the same as illegal and arbitrary and consequently direct the respondents to issue appointment order to the petitioner thereby treat him on par with his batch mates within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan
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 was a candidate for the post of Sub Inspector of Police and he participated in the recruitment process held in the year 2015. The first respondent issued notification dated 08.02.2015. The writ petitioner in the application form had stated that he has not involved in any criminal case. The writ petitioner has successful in the selection tests. Even though he



was provisionally selected, appointment was denied to him. The third respondent passed an order dated 08.01.2016 stating that the petitioner has involved in crime No.255 of 2010 on the file of Nazareth Police Station. It was also stated that he suppressed the said fact while filling up the application form.

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2.The learned counsel for the writ petitioner submitted that he was a juvenile on the date of registration of the said case and that he was unaware of his implication in the said criminal case.

3.This Court is of the view that the parameters laid down by the Hon'ble Supreme Court in 2016 (8) SCC 471 - *Avtar Singh Vs. Union of India and Others* were not followed by the third respondent. If suppression is alleged, knowledge thereof must be specifically attributed to the individual concerned. In this case, the writ petitioner specifically asserts that he was absolutely unaware of his having been implicated in the said criminal case. That apart, he was also a juvenile at the time of registration of the case. Therefore, mere registration of a case against the writ petitioner cannot be a disqualification. The third respondent will have to necessarily take a fresh decision in the matter.

4.The impugned order is therefore quashed. The matter is remitted to the file of the third respondent to consider afresh. The third respondent shall afford an opportunity of hearing to the writ petitioner, since the writ petitioner stated that he was Juvenile at the time of registration of the said criminal case and that he was not aware of his implication. The third respondent shall hear the petitioner and pass order afresh in accordance with law. The entire exercise shall be carried out within a period of 12 weeks from the date of receipt of a copy of this order.

5.This writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Member Secretary,
The Tamil Nadu Uniformed Service Recruitment Board
807, 2nd Floor, Anna Salai, Chennai - 600 002.
 - 2.The Director General of Police, Mylapore,
Chennai - 600 004.
 - 3.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.
- +One cc to Mr.K.Gurunathan, Advocate, SR.No.41953

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