



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.7906 of 2017

and

W.M.P. (MD) No.6130 of 2017

S.Sampath

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Uniform Recruitment Board,
Chennai.

2.The Superintendent of Police,
Karur District,
Karur.

... Respondents

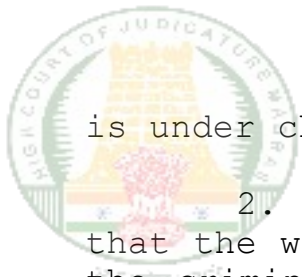
PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in C.No.A2/12148/2012, dated 12.11.2016 and quash the same and consequently direct the respondents to forthwith appoint the petitioner as Grade II Police Constable.

For petitioner : R.Sankarganesh

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The petitioner took part in the recruitment process for the post of Grade-II Police Constable for the year 2012. He was successful in the selection process. But the petitioner was denied employment by invocation of Rule 14-B of Special Rule for Tamil Nadu Special Subordinate Services. The second respondent, in the impugned order, dated 12.11.2016, noted that the writ petitioner was involved in Crime No.986 of 2011, on the file of the Karur Town Police Station and that he also suppressed the fact of his involvement. Even though, the criminal case ended in acquittal by giving benefit of doubt on 13.12.2013, he cannot be selected in view of the explanation-2 of Rule 14(b) of Special Rule for Tamil Nadu Special Subordinate Services. The said order



is under challenge in this writ petition.

2. This Court called for the relevant files. It is seen that the writ petitioner had actually disclosed his involvement in the criminal case. Therefore, the authorities are not justified in forming the conclusion that there was suppression on the part of the writ petitioner. Now the question arises, whether the writ petitioner can be disqualified on account of his involvement in the said criminal case. The fact remains that the criminal prosecution ended in acquittal. That is not the core issue. The writ petitioner was born on 30.07.1993, the said criminal case was registered on 14.08.2011. He had just then attained majority.

3. The learned counsel for the writ petitioner would also submit that the implication of the writ petitioner in the criminal case was on account of some hostile relationship that prevailed between the writ petitioner's mother and a close relative. It is true that the writ petitioner was not a Juvenile when the FIR registered, but, he had just then attained majority. The impugned order also proceeds on the premise that there was a suppression of his involvement in the criminal case. This Court has given a finding that there is no such suppression.

4. This Court, is therefore of the view that the matter will have to be revisited by the second respondent. In this view of the matter, the order impugned is quashed. The matter is remitted to the second respondent to pass orders afresh. This Court calls upon the second respondent to afford an opportunity of personal hearing to the writ petitioner to explain the circumstances, in which he was implicated in the criminal case and thereafter pass orders afresh. The second respondent shall pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, these writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

pnn

To

1.The Director General of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Tamil Nadu Uniform Recruitment Board,
Chennai.



2.The Superintendent of Police,
Karur District,
Karur.

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+1 CC TO Mr. R.Shankarganesh , Advocate, Sr.No. 57813

JAM/29/05/2018/ KKR /SAR 3/ 3p-4c

ORDER MADE IN
W.P. (MD) No.7906 of 2017
23.03.2018