



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.16777 of 2013

and

M.P(MD)Nos.1 and 2 of 2013

T.S.Saravanan

... Petitioner

-vs-

1.The Tamil Nadu Uniformed Services Recruitment Board,
represented by its Chairman,
Chennai.

2.The Director General of Police,
Chennai-4.

3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent pertaining to his proceedings in Na.Ka.No.781/186082/Niyamanam 1(2)/2011, dated 22.07.2011 and to quash the same as illegal and consequently to direct the respondents to appoint the Petitioner as Grade-II Police Constable within the time frame stipulated by this Court.

For Petitioner : M/s.M.Sankar

For Respondents : Mr.R.Sethuraman

Special Government Pleader

O R D E R

The order of non-selection, dated 22.7.2011 issued against the Writ Petitioner for selection to the post of Grade-II Police Constable, is under challenge in this Writ Petition.

2.The Writ Petitioner pursuant to the notification issued for recruitment to the post of Grade-II Police Constable, submitted his application and participated in the process of selection. The Writ Petitioner was successful in the written examination and participated in the Physical Verification Test. However, the case of the Writ Petitioner was rejected by the second respondent in proceeding, dated 22.7.2011 stating that during the relevant point of time, a criminal case in Crime No.63 of 2004 under Sections 323, 324 of IPC and 294(b) and 323 of IPC was pending. This apart, the case was taken as C.C.NO.127 of 2004 and after examination of witness, a punishment of imposition of fine was issued on 9.3.2005. Accordingly, the Writ Petitioner had paid the fine amount. Therefore, it is a case of punishment and accordingly, the Writ



Petitioner cannot seek for any selection for appointment to the post of Grade-II Police Constable .

3.The learned counsel for the Writ Petitioner states that the punishment is only a fine amount of Rs.500/-. Therefore the case of the Writ Petitioner has to be considered. Such a contention cannot be accepted in view of Rule 14(b)(iv) of the Special Rules for the Tamil Nadu Special Police Sub-ordinate Services as amended in G.O.Ms.No.101, Home (Police-IX) Department dated 30.1.2003, which is extracted hereunder:

"No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority.

ii)That his character and antecedents are such as to qualify him for such service.

iii)That he has not involved in any criminal case before Police Verification.

Explanation:-(1)A person who is acquitted or discharged on benefit of doubt or due to the fact that complainant "turned hostile" shall be treated as person involved in a criminal case.

Explanation:-(2)A person involved in a criminal case at the time of Police verification and the case yet to be disposed of and subsequently ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in criminal case and he can claim right for appointment only by participating in the next recruitment".

4.The candidates, who are having criminal case history cannot be considered for the post of Uniformed Services. The character and antecedents of the candidates seeking appointment for Uniformed Services is of paramount importance. Thus there cannot be any compromise in respect of all these aspects, while undertaking the process of selection. Thus there is no infirmity as such in respect of the rejection of the Writ Petitioner for selection to the post of Grade-II Police Constable. In this view of the matter, no further adjudication is required in this Writ Petition.

5.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

<https://hservices.courts.gov.in/hservices/>

1. The Chairman
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.



2.The Director General of Police,
Chennai-4.

3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

+1cc to M/s.Special Government Pleader,SR.No. 54185

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