



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

W.P(MD)No.9624 of 2013

P.Karthik

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee, Chengalwaraya Naikar Building,
No.807, 2nd Floor,
Anna Salai,
Chennai - 600 002.
3. The Director General of Police,
Mylapore,
Chennai - 600 004.
4. The Superintendent of Police,
Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the fourth respondent Na.Ka.No.A2/11666/2012 dated 18/02/2013 and quash the same and consequently direct the respondents 1 to 4 to appoint the petitioner to the post of Grade II Police constable pursuant to the recruitment process of the year 2012 held by the second respondent with all other consequential and attendant benefits.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.R.Sethuraman

Special Government Pleader

ORDER

The order of non-selection of the writ petitioner for recruitment to the post of Grade II Police Constable is under challenge in this writ petition.



2.The order impugned dated 18.02.2013 states that the writ petitioner was not selected on account of the pendency of the criminal case against him in Cr.No.134 of 2011 under Section 294 (b), 324 and 506(ii) IPC. This apart, the said fact was not stated in the application of the writ petitioner. The writ petitioner submitted his application for recruitment to the post of Grade II Police Constable pursuant to the notification issued by the respondents. The writ petitioner participated in the written examination and succeeded. Accordingly, the writ petitioner attended the physical verification test and medical test along with his certificates on 06.11.2012. However, the selection of the writ petitioner was deferred on account of the fact on verification of antecedents and character of the writ petitioner, the Department found that the criminal case was pending against the writ petitioner. This being the factum, the writ petitioner was not selected.

3.This Court is of an opinion that the recruitment to the post of Grade II Police Constable, is for an uniformed service. This apart, the candidate having a criminal case pending cannot be appointed to the police service. The competent authorities considered these aspects and not selected the writ petitioner. The Hon'ble Supreme Court of India has clearly stated that the persons having criminal case history cannot be appointed and even an order of acquittal cannot be a ground to claim appointment. Even in case of acquittal, the competent appointing authorities have got discretion to defer the selection. Thus, this Court is of an opinion that the writ petitioner has not made out any case for grant relief as such sought for in this writ petition.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

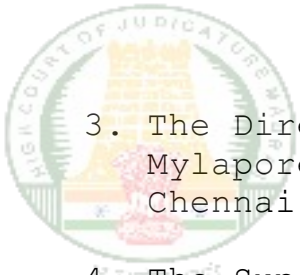
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Sub Assistant Registrar

To

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.

2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
E. P. S. Nagar, Chennai,
No.807, 2nd Floor,
Anna Salai, Chennai - 600 002.



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

4. The Superintendent of Police,
Thanjavur,
Thanjavur District.

+1cc to Mr.R.Murugappan, Advocate Sr.No.51724
+1cc to Spl.Government Pleader Sr.No.51987

MM

VB/KKR/SAR4/02.04.2018/3P/7C

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