

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.1862 of 2019

R.Gnanaprakasam

... Petitioner

Vs

1. The Secretary to Government,
Transport Department,
Fort St.George, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.
3. The General Manager,
Tamil Nadu State Transport Corporation,
Cuddalore Zone, Villupuram Division,
Cuddalore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the 2nd respondent to issue appointment order to the petitioner in light of the communication dated 25.03.2015 and police clearance certificate dated 04.04.2016 for the post of Reserve Crew (Conductor) based on the selection took place on 23.05.2015 in Letter No.Ka.Ku.No.102/Ni.1/TNSTC (villu)/Ka.Ma./2014 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.S.Selvam
Govt. Advocate for R1

Mrs.Rajani Ramadoss for R2&3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to issue appointment order to the writ petitioner in the light of the communication dated

25.03.2015 and Police Clearance Certificate dated 04.04.2016 for the post of Reserve Crew (Conductor), based on the selection took place on 23.05.2015.

2. Admittedly, the writ petitioner participated in the process of selection for appointment to the post of Reserve Crew (Conductor), under the reserve crew category. The writ petitioner was temporarily appointed as Reserve Crew (Conductor), by an order dated 25.03.2015. Pursuant to the selection, he was permitted to attend all the test and also submitted the relevant records. The writ petitioner was informed that the conduct certificate has to be obtained from the jurisdictional Police and the same was delayed. It was found subsequently, that the writ petitioner has involved in a criminal case in Crime No.7/2009 under Section 147,148,294,324,323, 506(ii) IPC. The criminal case was ended with an order of acquittal, under Section 248(1), Cr.PC by the Judicial Magistrate-II, Vridhachalam on 29.03.2016, in vide CC.No.50/2010.

3. Thereafter, the Police Clearance Certificate was issued to the writ petitioner by the Superintendent of Police in proceeding dated 04.04.2016. Based on the said Police Clearance Certificate, the present writ petition is filed stating that, the writ petitioner must be appointed based on the selection conducted during the year 2015.

4. The learned counsel for the respondent states that, as on the date of selection, the criminal case was pending against the writ petitioner and therefore, he was not eligible. Thus, he was not appointed. The order of temporary selection dated 25.03.2015, more specifically, Clause-10 says that, at the time of joining duty no criminal case should be pending against the writ petitioner and in this regard, the writ petitioner has to submit a Police Clearance Certificate. The Clause-13 also says that, the said certificate namely, Police Clearance Certificate must be submitted immediately. The writ petitioner had not submitted the Police Clearance Certificate during the year 2015 and he was facing the criminal trial during the relevant point of time and the said criminal case registered against the writ petitioner ended with an order of acquittal only on 29.03.2016, after a lapse of one year from the date of selection. Thus, the case of the writ petitioner was not considered for grant of permanent appointment, based on the selection of the year 2015.

5. The terms and conditions itself made clear to the writ petitioner that at the time of appointment, the writ petitioner should not have any criminal case pending and in this regard, the Police clearance Certificate also must be produced. The writ

petitioner had not produced the Police Clearance Certificate within the time limit and only after a order of acquittal by the criminal Court, the writ petitioner submitted the Police Clearance Certificate.

6. This being the factum, the relief as such sought for in the present writ petition observes no merit consideration and accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Secretary to Government,
Transport Department,
Fort St.George, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.
3. The General Manager,
Tamil Nadu State Transport Corporation,
Cuddalore Zone, Villupuram Division,
Cuddalore.

+1 cc to Mr.C.Prabakaran, Advocate Sr.No.22977

+1 cc to The Government Pleader, Sr.No. 23173

+1 cc to M/s.S.Rajeni, Advocate Sr.No.23240

W.P.No.1862 of 2019

GJ(CO)

CSL/25.04.2019

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