

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25143 of 2019

&

W.M.P.Nos.24700 & 24704 of 2019

R.K.Sasidhar

Deputy Superintendent of Police,
Cuddalore

..Petitioner

vs

1.The Director General of Police/Head of the Police Force,
Mylapore,
Chennai - 600 004

2.The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.

3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd respondent in memo no.3127/QD-A1/2018 dated 10.07.2019 and to quash the same and consequently directing the respondents 2 and 3 to publish the results for the Departmental Examination conducted in April 2018.

For Petitioner: Mr.G.Sankaran

For Respondent : Mrs.A.Sri Jeyanthi
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is to call for the records relating to the impugned proceedings issued by the

3rd respondent in memo no.3127/QD-A1/2018 dated 10.07.2019 and to quash the same and consequently directing the respondents 2 and 3 to publish the results for the Departmental Examination conducted in April 2018.

2. The case of the petitioner is that he is qualified with B.Tech., (Mechanical Engineering) and belong to SC community. He participated in the selection conducted by TNPSC for Group-I services against the vacancies for the year 2012-2014 and selected for appointment to the post of Deputy Superintendent of Police in Tamil Nadu Police Service based on merit. Accordingly, the petitioner was placed on probation and deputed for one year Institutional Training and thereafter he was allotted to Karur District for nine months Practical Training. Presently he is serving as Deputy Superintendent of Police, Thiruchuzhi, Virudhunagar District.

3. It is his further case that he applied for Half-yearly Examination and Language Test in March 2018 and allotted to write the departmental examination from 09.04.2018 to 13.04.2018. He written the departmental examinations after meticulous preparation while in service and waiting for results. While so, the respondent TNPSC issued memorandum dated 23.11.2018 informed that during the test held on 12.04.2018, the petitioner had allegedly copied from books or notes which are printed/Typewritten/Handwritten and thereby he was called to submit his explanation within seven days as to why he should not be debarred for having violated the Commission's instructions to the Applicants dated 07.11.2016.

4. The petitioner had submitted a detailed explanation to the 2nd respondent on 03.12.2018 informing them that he never copied from books or notes which are printed/typewritten/handwritten and he had not violated any instructions of the Commission. However, the 3rd respondent issued the impugned proceedings dated 10.07.2019 stating that the explanation submitted by the petitioner was not satisfactory and hence his candidature for the Half-Yearly Examination and Language Test has been debarred for three years with effect from 02.11.2018.

5. The learned counsel for the petitioner would submit that the decree in the impugned order is a non-speaking one, since the application dated 12.03.2018 was not considered and further without considering the explanation dated 03.12.2018, four lines non-speaking order were passed against the petitioner which is unsustainable one.

6. The learned Additional Government Advocate would submit that this Court may remit the matter back to the authorities for

fresh consideration.

7. This Court perused the impugned order dated 10.07.2019, wherein it disclose that the petitioner was debarred for three years with effect from 02.11.2018 as per the Commission's Instructions to the applicants dated 07.11.2016. The petitioner in his explanation dated 03.12.2018 had clearly stated that he never copied from books or notes which are printed/Typewritten/Handwritten. However, the respondents without considering his explanation had simply rejected and debarred him for three years is not sustainable one. Hence the matter is remitted back for Authority's fresh consideration for the explanation dated 03.12.2018 and pass appropriate order as per the Commission's Instructions and Police standing Orders.

8. The Writ Petition is allowed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

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To

1.The Director General of Police/Head of the Police Force,
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Chennai - 600 004

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Park Town, Chennai - 600 003.

+1cc to Mr.G.Sankaran, Advocate SR.No.78671

+1cc to Government Pleader SR.No.79363

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GMY (24/09/2019)