



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35022 of 2019

A.Gurusamy

... Petitioner

-Vs-

1.The Tamil Nadu Uniformed Service Recruitment Board,
Rep. By its Members Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-8.

2.The Inspector of Police,
Reddychavadi Police Station,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's candidature for the post of Constable Gr-II without considering the acquittal as benefit of doubt in judgment in C.C.No.82/2011 passed by the learned Judicial Magistrate-II, Cuddalore and otherwise eligible criteria fixed by the authority.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr.V.Kadhirvel for R1

Mr.P.S.Sivashanmuga Sundaram,
Special Government Pleader for R2.

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus directing the first respondent to consider the candidature of the petitioner for the post of Constable Grade-II.

2.It is seen from records that the petitioner has participated in the common recruitment conducted by the first respondent for the post of Firemen, Jail Warden and Grade-II Police Constable in the year 2019. The name of the petitioner also finds place in the provisional selection list. The apprehension of the petitioner is that there was an earlier criminal case pending against the petitioner and by a judgment dated 24.08.2012 made in C.C.No.82 of 2011, the Judicial



Magistrate-II, Cuddalore, had acquitted the petitioner and the other accused persons on the ground that there was no evidence against them and that this judgment may be put against the petitioner at the time of final section. Therefore, the petitioner has approached this Court for a direction to the first respondent to consider the candidature of the petitioner independently on its own merits and in accordance with the judgments that have been rendered by the Hon'ble Supreme Court on this issue.

3.Mr.P.S.Sivashanmga Sundaram, learned Special Government Pleader, appearing on behalf of the second respondent submitted that even if the petitioner had been acquitted in the criminal case, it is always open to the first respondent to independently consider the candidature of the petitioner in line with the guidelines given by the Supreme Court as and when the process gets started and the same will be considered by the first respondent strictly in accordance with law.

4.Taking into consideration the facts and circumstances of the case and also the limited relief that have been sought for in this writ petition, this Court is of the considered opinion that the candidature of the petitioner will be considered by the first respondent strictly in accordance with law. The Hon'ble Supreme Court in Avatar Singh Vs. Union of India reported in 2016 (8) SCC 471, Commissioner of Police, New Delhi vs. Mehar Singh, reported in 2013(4) LNN 461, Union Territory, Chandigarh Administration Vs. Pradeep Kumar, reported in 2018 (1) SCC 797 and in the case of State of Madhya Pradesh Vs. Abhijit Singh reported in 2018(6) CTC 659 has considered this issue in detail and several guidelines have been issued. There is no need for reiteration of those guide lines. The first respondent shall consider the candidature in accordance with those guidelines during the process of selection.

5.This writ petition is disposed of with the above directions. There shall be no order as to costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Members Secretary,
The Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-8.

2. The Inspector of Police,
Reddychavadi Police Station,
Cuddalore District.

+1 CC to Govt. Pleader sr 106250.

+1 CC to Mr.P.Vijendran, advocate sr 105374.

W.P.No.35022 of 2019

SP(23/01/2020)