

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31416 of 2018
and W.M.P.Nos.36615 & 36821 of 2018

Suresh Viswanath

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Petitioner

Vs

1.The Secretary

Tamil Nadu Public Service Commission
Fazer Bridge Road, Chennai - 600 003.

2.The Transport Commissioner

Chepauk, Chennai - 600005

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned show cause notice issued by him in Memo No.6066/OTD-B4/2011 dated 23.10.2018 (received on 10-11-2018) and quash the same and direct the respondents to appoint the petitioner as Motor Vehicle Inspector Grade-II based on the selection made for the year 2011-12 and grant him all consequential service and monetary benefits and grant such other relief.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for M/s.M.Muthappan,
Mr.T.Aynagara Prabhu

For Respondent : Dr.M.Devendran, Standing Counsel

सत्यमेव जयते
O R D E R

The petitioner had applied for the post of Motor Vehicle Inspector Grade II in the Tamil Nadu Transport Subordinate Service. He cleared the written test and also attended the certificate verification and interview on 05.03.2015. In the results published by the third respondent on 19.08.2016, the name of the petitioner was mentioned in the reserve list as Sl.No.1. On 18.02.2018, the petitioner was issued with a letter, informing his provisional selection as well as appointment to the post of Motor Vehicle Inspector. Subsequently, the impugned show cause notice dated 23.10.2018 was issued to the petitioner, to show cause as to why his provisional selection to the post of Motor Vehicle Inspector

should not be cancelled, as there was a criminal case pending against him. This show cause notice is under challenge in the present writ petition.

2. Learned counsel for the petitioner submits that at the time of applying for the post of Motor Vehicle Inspector ie., in the year 2012, there was no criminal case pending against the petitioner and he had also attended the interview on 05.03.2015. Learned counsel further submits that the petitioner was falsely implicated in a criminal case, which he was not aware of and he came to know of the same very recently. The criminal case was said to have been registered against the petitioner only on 29.10.2015, relating to an occurrence which took place on 29.10.2015 and 30.10.2015. The petitioner was arrayed as A4 in the said criminal case, and in respect of which CrI.O.P.No.20671 of 2018 was filed for quashing of the proceedings in S.C.No.577 of 2017 pending on the file of District Mahila Court, Tirunelveli. The Madurai Bench of this Court, by an order dated 22.11.2018, after recording the joint memo of compromise filed by the parties therein, ordered quashing of the proceedings in S.C.No.577 of 2017, by relying upon the judgment of the Supreme Court in Farbathbhai Vs State of Gujarat (2017) 9 S.C.C.641. Learned counsel for the petitioner submits that the petitioner's representation dated 16.11.2018, in response to the impugned show cause notice shall be directed to be considered in the light of the orders passed by this Court dated 22.11.2018, quashing the criminal charges against the petitioner.

3. Dr.M.Devendran, learned Standing Counsel takes notice on behalf of the respondents and submits that the petitioner has submitted his further explanation to the show cause notice on 10.12.2018.

4. Considering the facts and circumstances of the case, the respondents are directed to consider the overall facts, in the light of the order passed by this Court, quashing the criminal charges against the petitioner in S.C.577 of 2017, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary

Tamil Nadu Public Service Commission
Fazer Bridge Road, Chennai - 600 003.

2.The Transport Commissioner

Chepauk, Chennai - 600005

+lcc to Mr.M.Muthappan, Advocate, S.R.No. 2904

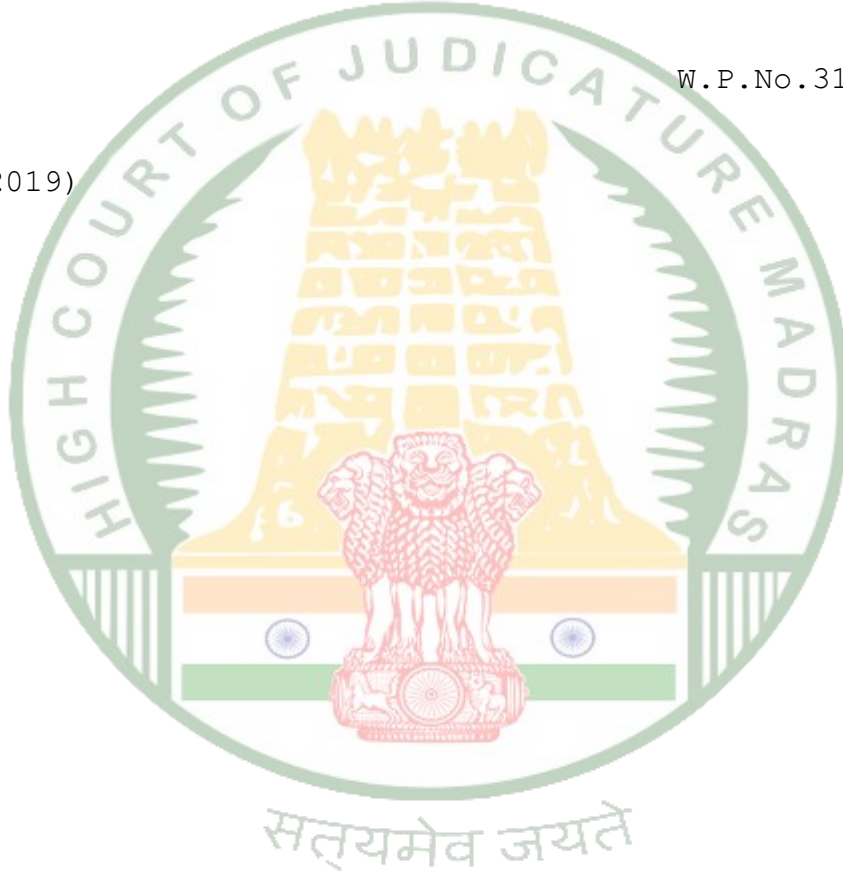
+lcc to Mr.M.Devendran, Advocate, S.R.No. 2204

+lcc to the Government Pleader, S.R.No. 2727

W.P.No.31416 of 2018

RR(CO)

GN(28/01/2019)



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