

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.34107 of 2018
and
W.M.P.No.39630 of 2018

K.Muthuselvam

... Petitioner

versus

1. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
No.807, P.D.V.Sengalvaraya Naicker
Maligai,
Anna Salai, Chennai - 2.

2. The Director General of Police,
Kamarajar Salai,
Kailasapuram, Mylapore,
Chennai - 4.

3. The Deputy Director,
Fire and Rescue Services Department,
Rukkumani Lakshmipathi Salai,
Egmore, Chennai - 18.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, to direct the 3rd respondent to issue an order of appointment to the post of Fireman along with the selected candidates in the Notification year 2017-2018 with pay all other monetary and service benefits by considering the petitioner's representation dated 12.12.2018.

For Petitioner : Mr.C.Mayilvahana Rajendiran

For Respondents: Mr.A.N.Thambidurai,
Special Govt. Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to consider the representation of the petitioner dated 12.12.2018.

2. It is the claim of the petitioner that he is a graduate of B.Com Degree from Madurai Kamaraj University. The respondents issued a Notification calling for the post of Grade-II Constable, Grade-II Jail Warden and Fireman in the Tamil Nadu Uniformed Services Recruitment Board 2017-2018. Pursuant to the said Notification, he applied for the said posts and he was called for written examination to be held on 11.03.2018. The petitioner also appeared for the written examination and got 55 marks. He was also directed to participate in the physical measurement test to be held on 03.09.2018. The physical measurement test was also over. Further, there was a subsequent call letter to produce certificates for verification. The petitioner also produced the certificates like community certificate, NCC Certificate.

2.1. However, the third respondent has issued a impugned order dated 27.11.2018 stating that the petitioner could not be appointed to the police force as a criminal case has been registered against him in Crime No.147 of 2013 on the file of the Krishnan Kovil Police Station, which ended in acquittal.

2.2. The petitioner claims that he has totally got 72 marks, whereas, the cut-off mark is only 70. Therefore, he is fully eligible for the post of jail warden and the Rule 13, 14(b)(ii) 8 (iv) Special Rule of Tamil Nadu Police Subordinate Service, will not be applicable for the consideration of the post of Jail Warden. Therefore, the petitioner has submitted a representation dated 12.12.2018 to the respondents to consider his name for appointment to the post of Jail Warden.

3. Considering the facts and circumstances of the case and also considering the limited prayer sought for herein, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 12.12.2018 in the light of the contention raised above and to pass orders thereon within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

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Tamil Nadu Uniformed Services
Recruitment Board,
No.807, P.D.V.Sengalvaraya Naicker
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Anna Salai, Chennai - 2.

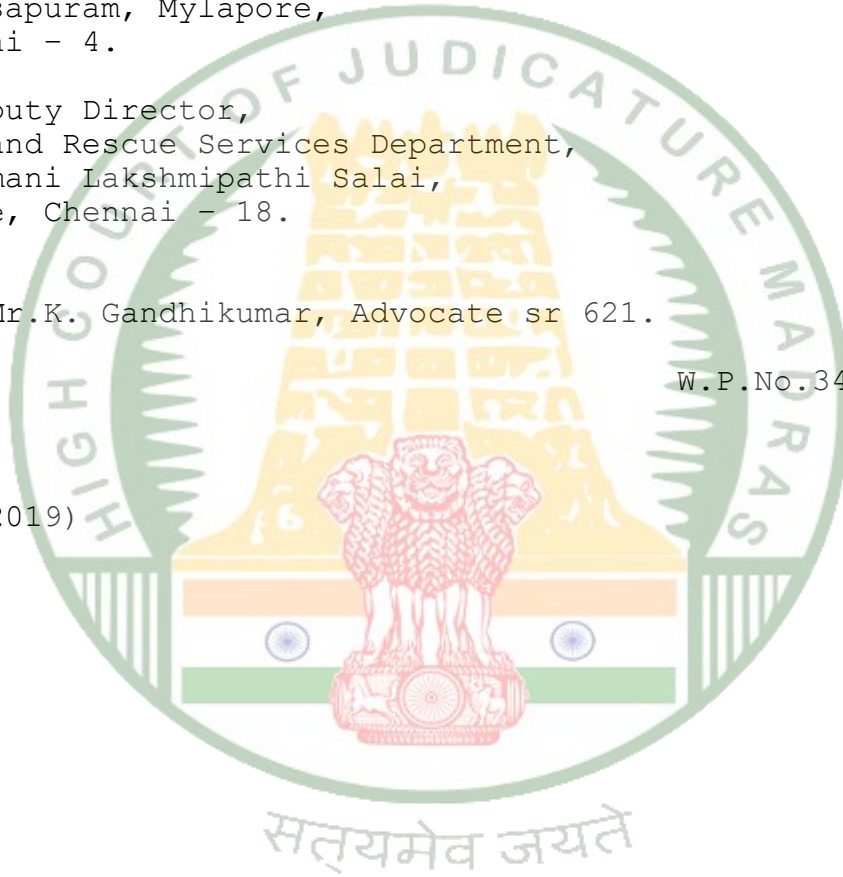
2. The Director General of Police,
Kamarajar Salai,
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3. The Deputy Director,
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+1 CC to Mr.K. Gandhikumar, Advocate sr 621.

W.P.No.34107 of 2018

SP(12/02/2019)



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