



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.05.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.11566 of 2019

and

W.M.P. (MD) Nos.8819 & 8820 of 2019

M.Hafila Jammal

... Petitioner

Vs

1. The Director General of Police,
O/o. Director General of Police,
No.1. Dr.Radhakrishna Salai,
Mylapore,
Chennai-600 004.

2. The Member Secretary,
TamilNadu Uniformed Services,
Recruitment Board,
Old COP Office Campus,
PantheonRoad,
Egmore, Chennai-600 008.

3. The Additional Director General of Police,
State Crime Records Bureau,
No.95, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent in Rc.No.A1.46/617/SCRB/2019 dated 20.03.2019 and quash the same as illegal, consequently directing the respondents to appoint the petitioner (Register No.7600149) as Sub Inspector of Police (Finger Print) in Tamil Nadu Police service in the recruitment process held during 2018 with all consequential benefits both service and monitory within a period that may be fixed by this Court.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side. By consent of both parties the main Writ Petition is taken up for final disposal at the admission stage itself.

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2. The writ petitioner was provisionally selected for the post of Sub-Inspector of Police (Finger Print) in the year 2018. But, he was declared unfit in the medical examination conducted for an eligibility criteria of the physical fitness. Therefore, his name was deleted in the selection list. The reason for finding him unfit was that his eye vision is not fully required for the post in question as per the Government norms. Challenging the disqualification order dated 20.03.2019, the present Writ Petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner drew my attention to the order passed by this Court dated 30.04.2019 made in W.P.(MD).No.5441 of 2019 etc batch. The learned Judge after elaborate consideration of the various aspects passed the following order:-

"17. In view of the foregoing reasons as well as taking into consideration the pitiable situation of the petitioners, whose candidatures were rejected due to lack of eye-vision, which can be rectified owing to technology as-on-today, and they are functioning like any other person normally, this Court deems it fit to set aside the impugned orders, as tit cannot be sustained in the eye of law. Accordingly, the impugned orders are set aside. The respondents are directed to consider the candidatures of the petitioners for appointment to the post of Sub-Inspector of Police (Technical) and (Finger Print) 2018, if they are otherwise found eligible.

18. while parting with the cases at hand, this Court hereby directs the respondents to include any such conditions as prescribed under the relevant Rules and the Government orders at the time of issuing notification itself in future, so that, this type of causing hurdles to the candidates, who applied on the fond hope that they will get appointment, may not arise.

19. The writ petitions are allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed."

4. It cannot be disputed that the case on hand is squarely covered by the aforesaid order.



5. In this view of the matter, the order impugned in the Writ Petition stands quashed. The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

tsg/dss

To

1. The Director General of Police,
O/o. Director General of Police,
No.1. Dr.Radhakrishna Salai,
Mylapore,
Chennai-600 004.

2. The Member Secretary,
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3. The Additional Director General of Police,
State Crime Records Bureau,
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+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-65504[F] dated 09/05/2019)

+1 CC to M/s.SPL GP (SR-65756[F] dated 10/05/2019)

W.P. (MD) No.11566 of 2019
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CS: (03/06/2019) 3P 6C