



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11868 of 2019

and

W.M.P (MD) Nos.8965, 8966 and 8967 of 2019

S.Durga Devi

... Petitioner

vs.

1.The State of Tamil Nadu,
rep., by its Principal Secretary,
Home Department,
Secretariat, Chennai-600 009.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-8.

3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-8.

4.The Director General of Police,
O/o. The Director General of Police,
Tamil Nadu, Chennai-600 004.

5.The Additional Director General of Police
(State Crime Records Bureau)
O/o.The Additional Director General of Police,
Chennai-4.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the fifth respondent in his proceedings Rc.NO.A1/46/617/SCRB/2019 dated 14.03.2019 and quash the same as illegal and consequentially to direct the respondents to consider the petitioner for appointment to the post of Sub-Inspector of Police (Finger Print).

For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner was an applicant for being appointed to the post of Sub-Inspector of Police (Finger Print)-2018. The petitioner was provisionally selected. But, then she was found unfit in the medical examination. Therefore, by the impugned communication dated 14.03.2019, her name has been deleted from the selection list. The same is questioned in this writ petition.

3. When the matter was taken up for hearing, the learned counsel appearing for the writ petitioner submitted that the issue on hand is squarely covered by the order dated 30.04.2019 in W.P.Nos.5441 of 2019 etc batch. The relevant portion of the said order reads as follows :-

"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 it 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 absolutely similar. Therefore, the order impugned in this writ petition is quashed. The writ petition is allowed on the same terms found in the order dated 30.04.2019 made in W.P.Nos.5441 of 2019 etc batch. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

rmk / krk

To:

1. The Principal Secretary,
State of Tamil Nadu,
Home Department,
Secretariat, Chennai-600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-8.
3. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-8.
4. The Director General of Police,
O/o. The Director General of Police,
Tamil Nadu, Chennai-600 004.
5. The Additional Director General of Police
(State Crime Records Bureau)
O/o. The Additional Director General of Police, Chennai-4.

+1CC TO MR.AJMAL ASSO., Advocate Sr. No.65675

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.65752

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