



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.6122 of 2019 and
WMP(MD).No.4877 of 2019

C. Rajesh

... Petitioner

-Vs-

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

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

3.The Director,
Fire and Rescue Services Department,
No.17, Rukkumani Lakshmipathi Salai,
Egmore, Chennai -08.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.22658/Aa1/2018 dated 07.02.2019 quash the same and consequently, directing the respondents to issue an order of appointment to the post of Fireman along with selected candidates in the notification year 2017-2018 with pay all other monetary and service benefits.

For Petitioner : Mr.D. Selvanayagam
For Respondents : Mr.C.M. Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.22658/Aa1/2018, dated 07.02.2019 and quash the same and consequently, direct the respondents to appoint the petitioner in the post of Fireman along with selected candidates in the notification year 2017-2018 with pay all other monetary and service benefits.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that he applied for the post of Grade-II Police Constable or Jail Warden or Fireman for the year 2017-2018, in pursuant to the common recruitment notification issued by the first respondent in the year 2017. After having completed the selection process, the third respondent had rejected the candidature of the petitioner by order dated 07.2.2019, on the ground that criminal case is pending against him. Against the same, the petitioner has filed the present petition.

4. The learned counsel appearing for the petitioner would submit that a similar issue has already been considered by this Court in WP(MD).No.12895 of 2018, dated 27.07.2018 and also in W.A (MD).No.472 of 2013, dated 08.07.2013. Hence, he prays for appropriate orders by considering the petitioner's representation, dated 11.12.2018.

5. The learned Additional Government Pleader appearing for the respondents has not refuted the above said submission made by the learned counsel for the petitioner.

6. In view of the above, without going to the merits of the case, the respondents are directed to consider the representation of the petitioner dated 11.12.2018 and pass appropriate orders on merits and in accordance with law and also in the light of the decisions rendered by this Court in WP(MD).No.12895 of 2018, dated 27.07.2018 and in W.A(MD).No.472 of 2013, dated 08.07.2013, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar(CS)

To:

1.The Chairman,
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+1 CC to M/s.SPL GP (SR-58854[F] dated 04/04/2019)

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-58965[F] dated 04/04/2019)

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KK:03/05/2019/3P/6C