



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) Nos. 8782, 9356, 9110 and 9510 of 2019

and

W.M.P (MD) .Nos. 6827, 7357, 7358, 7359, 7094, 7095, 7490, 7491
and 7492 of 2019

W.P. (MD) No. 8782 of 2019

S.M.Shyni

... Petitioner

Vs

The Superintendent of Police,
District Police Office,
Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the proceedings in A1/14000/2019-260 dated 04.2019 signed on 30.03.2019 on the file of the respondent herein and to quash the same.

For Petitioner : Mr.P.Jessi Jeeva Priya
For Respondents : Mr.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathidevi
Special Government Pleader

W.P. (MD) No. 9356 of 2019

N.Premnath

... Petitioner

Vs

1. Tamil Nadu Uniformed Services Recruitment Board,
Rep., by its Member Secretary,
Egmore, Chennai-600 008.

2. The Superintendent of Police,
Madurai District, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned Clause 16(i)(g) prescribed in the Recruitment Notification issued for the post of Sub Inspector of Police 2019 dated 08.03.2019 and quash the same and consequently direct the first respondent to issue fresh recruitment



notification in so far as amending the conditions stipulated for candidates coming under 20% service quota and thereby the second respondent has to be directed to issue No Objection Certificate so as to enable the petitioner to take part in the Recruitment for the post of Sub Inspector of Police 2019.

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For Petitioner : Mr.G.Thalaikmutharasu
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

W.P. (MD) No. 9110 of 2019

B.Dinesh Prabhu ... Petitioner

Vs

1. The Director General of Police,
Tamil Nadu, Chennai.
2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.
3. The Superintendent of Police,
Dindigul District, Dindigul. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the third respondent in his proceedings in Na.Ka.No.A9.7274/2017 dated 08.04.2019 and quash the same.

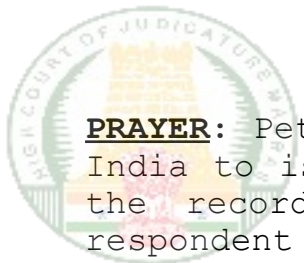
For Petitioner : Mr.S.Ramakrishnan
For Respondents : Mr.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathidevi
Special Government Pleader

W.P. (MD) No. 9510 of 2019

P.Dhurkairaj ... Petitioner

Vs

1. The Chairman,
Uniform Service Recruitment Board,
Chennai.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar. ... 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 order passed by the second respondent in his proceedings in Na.Ka.No.A2(1)/12401/2019 dated 11.04.2019 quash the same and directing the second respondent to issue No Objection Certificate to the petitioner to participate in the examination and other test conducted by the (TNUSRB) to the post of Sub Inspector of Police in 20% of Department Reservation Quotas.

For Petitioner : Mr.T.Chandrasekaran
For Respondents : Mr.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathidevi
Special Government Pleader

COMMON ORDER

The petitioners in these writ petitioners are working as Police Constables or Head Constables. The Tamil Nadu Uniformed Services Recruitment Board has issued the impugned notification calling for applications from eligible candidates for being appointed as Sub-Inspector of Police/2019 under 20% in service quota. The applicants must however include the No Objection Certificate issued by the concerned Superintendent of Police so as to enable them to take part in the Recruitment Process.

2.In these cases, the concerned Superintendents of Police have declined to issue No Objection Certificate in favour of the writ petitioners on the ground that they have suffered punishment. The stand of the petitioners is that the impugned Clause in the notification is bad in law inasmuch as it is not in consonance with the relevant Recruitment Rules. According to them, as per Rule 14 r/w Annexure II of the Special Rule in Tamil Nadu Police Subordinate Service Rules, the applicant must have a clean record without any punishment other than minor punishment of Black mark, Reprimand and / or Censure in the five years preceding the date of notification of selection. The petitioner's counsel submitted that the impugned notification cannot overreach the requirement set out in the relevant Special Rule.

3.When the matter was taken up for hearing, the learned Additional Advocate General pointed out that the Special Rule have been amended vide G.O.Ms.No.168, Home (Police VI) Department dated 02.03.2017. The relevant Clause earlier read as follows:-

“ a clean record without any punishment other than minor punishment of Black mark, Reprimand and / or Censure in the five years preceding the date of notification of selection”



Post amendment, the Clause has been substituted as follows:-

"a clean record of Service without any punishment other than the minor punishments of Black Mark, Reprimand and / or Censure."

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4. Now the check period is no longer limited to five years. The amended Rules expect the applicant to have a clean record through out their service. Therefore, the impugned Clause of the notification cannot be said to be ultra vires the parent Rule.

5. In this view of the matter, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Police Office,
Tirunelveli District.
2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai-600 008.
3. The Superintendent of Police,
Madurai District, Madurai.
4. The Director General of Police,
Tamil Nadu, Chennai.
5. The Superintendent of Police,
Dindigul District, Dindigul.
6. The Chairman,
Uniform Service Recruitment Board,
Chennai.
7. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

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