



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **03.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P(MD)NO.14381 OF 2019

and

W.M.P(MD)No.10805 of 2019

P.Muthurasu

: Petitioner

.vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.

2.The Chairman, Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Ramanathapuram Range,
Ramanathapuram District.

3.The Additional Director General of Police cum
Inspector General of Prison,
Whannels Road,
Egmore,
Chennai - 600 009.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the order made in No.3583/EW.1/2017-22, dated 17.11.2017, on the file of the third respondent and to quash the same and direct the respondents to appoint the Petitioner as Grade-II Police Constable(Men)/Grade-II Jail Warder(Men)/Firemen for the year 2017 in the common Recruitment for the posts of Grade-II Police Constables(Men, Women and/Third Gender)/ Grade-II Jail Warders(Men and Women) and Firemen for the year 2017.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.R.Sethuraman
Special Govt.Pleader

O R D E R

This Writ Petition has been filed seeking to quash the order passed by the third respondent in No.3583/EW.1/2017-22, dated 17.11.2017 and consequently to direct the respondents to appoint the Petitioner as Grade-II Police Constable(Men)/Grade-II Jail Warder (Men)/Firemen for the year 2017 in the common Recruitment for the



posts of Grade-II Police Constables(Men, Women and/Third Gender)/ Grade-II Jail Warders(Men and Women) and Firemen for the year 2017.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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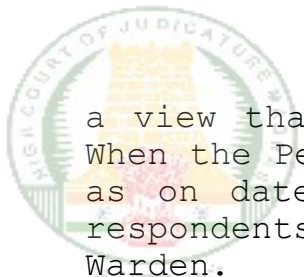
3.Pursuant to the Recruitment Notification, dated 23.1.2017, the Petitioner herein had completed all the tests and was provisionally selected for the post of Grade-II Jail Warden. Thereafter, on Police verification, he was found to have been involved in a criminal case registered in Crime No.127 of 2017 for the offence of kidnapping under Section 366 of IPC at Palamedu Police Station, Madurai and in view of the same, the impugned order, dated 17.11.2017 came to be passed stating that the Petitioner had suppressed the pendency of the criminal case foisted against him. Challenging the same, the present Writ Petition has been filed.

4.The learned counsel for the petitioner would submit that the application was made by him on 9.2.2017 and thereafter, the criminal case was registered on 23.6.2017 and as such, the question of suppression does not arise. Even otherwise, he would submit that the FIR itself was closed as 'mistake of fact' and that the person who was alleged to have been kidnapped is also now married to him and they are living happily together.

5.The learned Additional Government Pleader appearing for the respondents would submit that in view of G.O.Ms.1410, Home(Pri-II) Department, dated 17.10.2018, if the Petitioner's involvement in a criminal case is deducted during the Police verification, the same could be taken as a disqualification.

6.It is not in dispute that the Petitioner's application was made on 9.2.2017 and thereafter, the criminal case in Crime No.127 of 2017 came to be registered on 23.6.2017. As such, the impugned order stating that the Petitioner had suppressed the pendency of the criminal case during the time of presenting the application, is improper.

7.Moreover, the respondents herein had filed a counter affidavit in which, it is stated that pursuant to the registration of the criminal case against the Petitioner herein, both of them had married and had accordingly filed an affidavit dated 13.10.2017 before the Judicial Magistrate Court, Vadipatti, wherein, the girl had stated that she was not kidnapped. Based on such an affidavit, the criminal proceedings itself came to be dropped. It is now found that there is no criminal case as against the Petitioner and as a matter of fact, the girl who is alleged to have been kidnapped, in the criminal case has also filed an affidavit before the concerned Judicial Magistrate Court, stating that she has not been kidnapped and by taking into account the fact that they are now married and living together, this Court is inclined to take



a view that the reasoning in the impugned order is un-sustainable. When the Petitioner has not involved in any other criminal offence as on date, there cannot be any impediment on the part of the respondents to have the Petitioner recruited for Grade-II Jail Warden.

8. In the light of the above observations, the impugned order dated 17.11.2017 on the file of the third respondent stands quashed. Consequently, the third respondent is directed to appoint the Petitioner herein as Grade-II Jail Warden, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

9. The Writ Petition stands allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.
2. The Chairman, Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Ramanathapuram Range,
Ramanathapuram District.
3. The Additional Director General of Police cum
Inspector General of Prison,
Whannels Road,
Egmore,
Chennai - 600 009.

+1 CC to Mr.V.KANNAN, Advocate (SR-103296[F] dated 04/12/2019)
+1 CC to SPL GP (SR-103406[F] dated 04/12/2019)

ORDER MADE IN
W. P (MD) NO. 14381 OF 2019
and W.M.P (MD) No. 10805 of 2019
03.12.2019