



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

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

W.P. (MD) No.15474 of 2019

Balamurugan

... Petitioner

Vs

1.The Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Uthamapalyam Police Station,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 26.03.2019 and direct the respondents to issue a certificate as No case is pending against the petitioner for his future appearance in the upcoming army recruitments.

For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

The petitioner wants to join Indian Army. He was selected during the year 2018. But then, he was disqualified on the ground that he involved in a criminal case. The petitioner moved the second respondent for issuance of an appropriate certificate, which will enable him to join Indian Army. The petitioner's grievance is that the certificate issued by the second respondent contains the following terms:-

"This person has involved that Uthamapalayam Police Station Cr.No.612/2010, U/S.325, 323 IPC, JC N:144/2010. That case was not proved against his person. So that case was acquitted at Juvenile Board, Theni (Dt), Tamilnadu at 26.05.2010. And that person has not involved that any another case at Uthamapalayam Police Station."

2.The petitioner's counsel drew my attention to the judgment dated 26.05.2010 passed by the Juvenile Justice Board (Judicial



Magistrate No.III), Madurai, in Juvenile Case .No.144 of 2010, which clearly mentions that the said case should not operate as a disqualification in any manner. It is further seen that in the year 2010, the petitioner was aged about 11 years.

3.The second respondent had also clearly mentioned that the petitioner has not involved himself in any other case so as to attract adverse notice of the second respondent. This in my view should be treated as "No Case Pending" against the petitioner on the file of the second respondent.

4.The second respondent should not be faulted for having issued a certificate in a format. It is for the petitioner to convince the Army Recruiting Authority that the certificate issued by the second respondent actual means "No Case Pending". In any event, this Court now clarifies that as on date there is no case pending against the petitioner on the file of the second respondent. This Court further clarifies that the order of the Juvenile Justice Board is to the effect that the case referred in the second respondent's certificate namely., Crime No.612 of 2010 should not be construed to disqualify the petitioner for any reason.

5.With is clarification, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar.

To:

1. The Judicial Magistrate No.III, (Juvenile Justice Board),
Madurai.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.The Inspector of Police,
Uthamapalyam Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-74804[F] dated 11/07/2019)

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