



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Tuesday, the Seventeenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.15754 of 2019

IN

WP(MD) No.3329 of 2014

PARANJOTHI

... PETITIONER

Vs

1 THE DIRECTOR GENERAL OF POLICE,  
DR.RADHAKRISHNAN SALAI, MYLAPORE,  
CHENNAI-4

2 THE SUPERINTENDENT OF POLICE,  
VIRUDHUNAGAR DISTRICT.

... RESPONDENT

Prayer in WMP(MD) No.15754 of 2019:

Pleased to modify the order dated 31/01/2018 in WP(MD) No.3329 of 2014 and direct the 2nd respondent to take necessary steps to depute the petitioner for training immediately instead of depute for training when the next recruitment take place

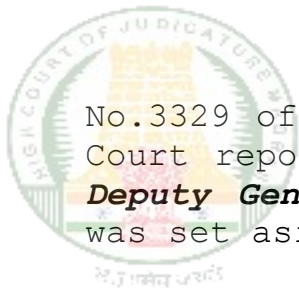
Prayer in WP(MD). 3329 of 2014 :

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus to call for the records of the 2nd Respondent in his proceedings in Na.ka.No. A-2 (1) / 43147/2013 dated 11.02.2014 and quash the same as illegal, violation of principles of law and further direct the Respondents to appoint the petitioner in the Tamil Nadu Special police Youth Brigade in Virudhunagar District within the time stipulated by this Court.

ORDER :

This Miscellaneous petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.JOTHIBASU, Advocate for the petitioner and of M/S.M.RAJARAJAN, Government Advocate for the Respondents, this court made the following order:-

The petitioner applied for being recruited in the Tamil Nadu Special Police Youth Brigade in Virudhunagar District. He was denied appointment on the ground that he was involved in a criminal case. On the denial of appointment, the petitioner filed W.P.(MD)



No.3329 of 2014. Following an earlier decision of the Madras High Court reported in **2014 (3) CTC 2018-S.Kirubakar and others Vs. The Deputy General of Police**, the order impugned in the writ petition was set aside and the writ petition was allowed.

2.At that stage, the learned Special Government Pleader submitted that recruitment in the case on hand pertains to an earlier year and that the training is already over and therefore, this Court directed the respondents to depute the petitioner for training, when the next recruitment takes place. The order was passed by me as early as on 31.01.2018. Almost two years are going to be over. The petitioner is still waiting. Hence, the modification petition came to be filed.

3.The case was adjourned on more than one occasion to enable the learned Government Advocate to make a statement as to when the next recruitment is likely to take place. It appears that during the last five years, no recruitment had taken place and there is no immediate prospect of recruitment taking place.

4.The petitioner was denied appointment only on account of the order dated 11.02.2014 passed by the Superintendent of Police, Virudhunagar District. The said order was set aside. The writ petition was allowed. The order has not been put to challenge in the writ appeal. It has become final. Therefore, the petitioner has to necessarily get the fruits of the order. Otherwise, the order passed by me will remain only on paper and the benefit thereunder will never accrue the petitioner. In as much as, I have held that the denial of appointment to the petitioner is not legal, the authorities will have to necessarily take steps for holding training for the petitioner herein. If necessary, the respondents will have to hold even a special training for the petitioner herein.

5.The petitioner's counsel states that the training is only for four weeks and there need not be administrative impediment for doing so. Therefore, the order passed by me on 31.10.2018 is modified and the respondents are directed to take appropriate steps for holding a special training for the petitioner herein. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.This Miscellaneous Petition stands allowed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



TO

1 THE DIRECTOR GENERAL OF POLICE,  
DR.RADHAKRISHNAN SALAI, MYLAPORE,  
CHENNAI-4

2 THE SUPERINTENDENT OF POLICE,  
VIRUDHUNAGAR DISTRICT.

COPY TO  
THE SPECIAL GOVERNMENT PLEADER,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.M.LAW OFFICE Advocate SR.No.22066

ORDER Date :17/12/2019

ORDER

WMP (MD) No.15754 of 2019

IN

WP (MD) No.3329 of 2014

Giving direction and etc.,  
as stated within.

svn(CO)  
TR(18.12.2019) 3P 5C