



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20020 of 2019

A.Ganesh Kumar

... Petitioner

vs.

1.The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai - 600 002.

2.The Additional Director General of Police (Prison),
Egmore,
Chennai - 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the second respondent in No.50528/இடபுள்ய1/2017, dated 02.08.2019, quash the same as illegal, unconstitutional, consequently direct the respondents to appoint the petitioner (Register No.2508276) as Police Constable Grade - II in the Tamil Nadu Prison Subordinate Services within the time stipulated by this Court.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.C.Ramar,
Government Advocate.

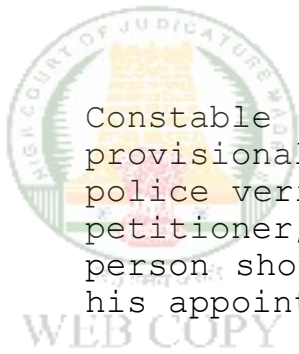
ORDER

This writ petition is filed seeking for a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the second respondent in No.50528/இடபுள்ய1/2017, dated 02.08.2019 and consequently direct the respondents to appoint the petitioner as Police Constable Grade - II in the Tamil Nadu Prison Subordinate Services.

2. Mr.C.Ramar, learned Government Advocate accepts notice on behalf of the respondents.

3. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, he participated in the selection process during the year 2017-2018 for the post of Police



Constable Grade-II. He was successful in the test and he was provisionally selected for appointment. While he was waiting for police verification regarding criminal antecedents, according to the petitioner, he was not given appointment order on the ground that a person should not have been involved in the criminal case prior to his appointment.

5. The learned counsel for the petitioner contended that the petitioner has mentioned a case in Crime No.49 of 2015 was pending, in his application. The learned counsel further contended that the petitioner has filed a petition before this Court in CrI.O.P(MD) No.18320 of 2018 on 11.08.2018 for quashing the proceedings in P.R.C.No.1 of 2018, on the file of the Judicial Magistrate No.I, Virudhunagar. This Court has held that no such incident had been occurred and there was a private dispute between the parties, which had been settled later and the said criminal case was quashed by this Court on 11.08.2018. subsequently, the second respondent has passed the impugned order on 02.08.2019, by rejecting the candidature of the petitioner. Hence, he sent a representation to the second respondent on 09.08.2019.

6.The learned counsel for the petitioner further submitted that the second respondent has failed to consider the order of this Court made in CrI.O.P(MD)No.18320 of 2018 and the representation of the petitioner dated 09.08.2019, explaining the correct factual position. He further submitted that the said Criminal Original Petition was decided purely on merits and the petitioner cannot be treated as a person involved in the criminal case and prayed for allowing the Writ Petition.

7.The learned Government Advocate appearing for the respondents submitted that as per G.O.Ms.No.1410, Home (Pri.II) Department, dated 17.10.2008, a person involved in a criminal case cannot be selected as Grade-II Police Constable. Since the petitioner has already involved in a criminal case in Crime No.49 of 2015, the respondents have correctly rejected the request of the petitioner and not granted appointment to the petitioner and prayed for dismissal of the Writ Petition.

8.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

9.From the perusal of the impugned order, it is seen that the second respondent has denied the appointment of the petitioner on the ground of involvement of criminal case in Crime No.49 of 2015. In the impugned order, it has been mentioned that criminal case against the petitioner was quashed, but the respondents have not considered the reason given by this Court for acquittal in the criminal case filed by the petitioner.

<https://hcservices.courts.gov.in/hcservices> of the same, the impugned order is set aside and the



petitioner is directed to give a fresh representation enclosing the copy of the order made in Crl.O.P(MD)No.18320 of 2018, dated 11.10.2018, to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents are directed to consider the same, taking into account the order of this Court made in Crl.O.P(MD) No.18320 of 2018, dated 11.10.2018, and pass orders in accordance with law within a period of six weeks thereafter.

11.With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

ps
To

1.The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai - 600 002.

2.The Additional Director General of Police (Prison),
Egmore,
Chennai - 600 008.

+1 CC to M/s.P.T.RAMESHRAJA, Advocate (SR-87495[F] dated 18/09/2019)

+1 CC to M/s.SPL GP (SR-87941[F] dated 19/09/2019)

W.P (MD) No.20020 of 2019
18.09.2019

KK/SAR/04.10.2019/3P-5C/