

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM :

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.8922 of 2013

and

M.P.Nos.1 & 2 of 2013

E.Balamurugan

... Petitioner

/Vs/

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.
2. The Tamilnadu Uniformed Services Recruitment Board,
rep. by its Chairman,
No.807, P.T. Lee. Chengalaraya Naicker Maligai,
Anna Salai, Chennai 600 002

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records from the 1st respondent relating to the orders dated 22.12.2012 bearing reference Na.Ka.No.A2/13000/2012 and all related proceedings, quash the same as the same being illegal, arbitrary and contrary to the orders of the Hon'ble Court in Crl.R.C.No.69 of 2013 and consequently direct the respondents 1 and 2 to appoint the petitioner as Grade II Police Constable in the Tamilnadu Special Police pursuant to the selection held by the 2nd respondent viz., Common Recruitment for the post of Grade II Police Constables, Grade II Jail Warders & Firemen - 2012 w.e. from the date the other Police Constables selected along with the petitioner was appointed with due seniority, salary and all other attendant benefits.

For Petitioner : Mr. R. Raji,
for M.S.Saravanakumar

For Respondents : Mr. S. Thangavel,
Special G.P.

* * * *

O R D E R

This writ petition has been filed challenging the order passed by the first respondent rejecting the petitioner's application for appointment of Grade II Constable.

2. The fact leading to filing the writ petition is that, in the year 2012, the second respondent called for application for appointment of Grade-II Police Constable. The petitioner has applied and also appeared for the written examination and other tests. Thereafter, an enquiry has been conducted regarding the conduct of the petitioner and it is found that the petitioner was involved in a criminal case in Crime No. 453 of 2011 for the offences under Sections 294(b), 323, 324 & 506(ii) IPC on the file of the Ulundurpet Police Station, and the above said fact has been suppressed by the petitioner. Since the petitioner was involved in a criminal case and suppressed the same, the authorities came to a conclusion that he is not suitable for appointment for the post of Grade-II Constable and rejected his application. Challenging the same, the present writ petition has been filed.

3. The learned Special Government Pleader appearing for the respondents would contend that subsequent to the selection conducted in the year 2012, the petitioner has been appointed as Constable and working in the department. However, it is admitted fact that the petitioner was involved in a criminal case and the same was pending in CC.No.104 of 2012 on the file of the Judicial Magistrate No.1, Ulundurpet .

4. Heard both sides.

5. According to the petitioner, earlier he was acquitted by the trial Court on benefit of doubt. Challenging the same, he had filed a revision before this Court in CrI.R.C.No.69 of 2013 and this Court by an order dated 20.02.2013 modified the order of acquittal on benefit of doubt into that order of honourably acquittal. In the above circumstances, as the petitioner has been acquitted honourably, there is no bar for appointing the petitioner. On perusal of impugned order, it could be seen that the petitioner candidature was rejected only on the ground that he has suppressed the pending criminal case against him in his application. Admittedly, the petitioner has not disclosed the pendency of the criminal case against him on the date of filing application. The authorities concerned, after taken into consideration of all the facts, found that the

petitioner was not suitable to be appointed to the post of Head Constable and rejected his application. I find no irregularity in the order passed by the first respondent. Now it is also stated that the petitioner has been appointed as a constable and working in the department. In the result, I find no merit in the writ petition.

5. Accordingly, the writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed. However, it is made clear the impugned order passed by the first respondent would not stand in the way of the petitioner and it will not affect the petitioner's subsequent appointment.

Sd/-
Asst.Registrar (CS I)

/true copy/
Sub Asst. Registrar

mrp
To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.
2. The Tamilnadu Uniformed Services Recruitment Board,
rep. by its Chairman,
No.807, P.T. Lee. Chengalaraya Naicker Maligai,
Anna Salai, Chennai 600 002
- 3.The Judicial Magistrate No.1 Ulundurpet

+2 ccs to Government Pleader sr23705
+1 cc to Mr.S.Saravanakumar Advocate sr23028

सत्यमेव जयते

W.P.No.8922 of 2013

pvs(co)
aa04/08/2020

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