

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.9857 of 2020 and
W.M.P.Nos.11976 to 11978 of 2020

V.Vishnu Kumar

.... Petitioner

-Vs-

1. The State of Tamilnadu,
rep. by Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai-600009.
2. The Member Secretary,
Tamilnadu Uniform Services
Recruitment Board,
P.T. Lee Chengalvarayan Naicker Maligai,
No.807, 2nd Floor, Anna Salai,
Chennai-600 002.
3. The Director General of Police,
Law and Order, Tamilnadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.
4. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for all relevant records relating to the impugned rejection order issued by the 4th respondent herein and the consequent impugned rejection order issued in Na.Ka.No.F1/5482/2019 dated 13.3.2020 issued by the Respondent herein and the consequent impugned rejection order issued in Na.Ka.No.F1/5482/2019 dt.15.06.2020 passed by the fourth respondent herein and quash the same as arbitrary, unreasonable, improper and illegal against the rules and regulations of the respondents violating the fundamental rights guaranteed under the Constitution of India and thereby directing the respondents herein to select and appoint the petitioner to the post of Grade II Police Constable under the respondents or if the above post

was already filled up the respondents herein for which the petitioner was selected by this time, the respondents may be directed to appoint the petitioner in the ensuing vacancy arises for the post of Grade II Police Constable or any appropriate suitable post in the same scale of pay and qualification under the respondent department whichever is earlier, within the time frame fixed by this Honourable Court.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mr. J.Ramesh,
Additional Government Pleader - for R1
Ms.Narmada Sampath, Addl.Advocate General
assisted by Mr.V.Kathirvelu,
Special Government Pleader - for R2-4

O R D E R

The petitioner appears to have responded to a Notification issued by the second respondent Board calling for application for selection and appointment for the post of Police Constable Grade II in 2019. According to the petitioner, he had participated in the written examination as well as physical fitness test and had subsequently cleared both of them. According to him, that since he had come out successful in both the stages of selection, he became eligible for eventual appointment as Grade II Police Constable.

2. While matter stood thus, the fourth respondent by his proceedings dated 13.03.2020 rejected his candidature on the ground that he was involved in a criminal case on the file of Sirkali Police Station in Crime N.103/2013 under Section 294(b) of IPC dated 25.02.2013 and he had paid fine amount of Rs.400/- before the Judicial Magistrate, Sirkali. According to the authority, the petitioner had not disclosed this fact in the application form when he applied for the consideration of his candidature. The order rejecting the candidature dated 13.03.2020 and the consequential order dated 15.06.2020 are put to challenge in this writ petition.

3. After notice, Mr.J.Ramesh, learned Additional Government Pleader has entered appearance on behalf of the first respondent and Mr.V.Kathirvelu, Special Government Pleader entered appearance on behalf of respondents 2 to 4. When the matter was taken up for hearing today, the learned counsel for the petitioner would submit that he would be satisfied if the writ petition is disposed of by directing the authorities to reconsider the issue afresh on the basis of the Honourable Supreme Court order in Avatar Singh's case and also on the basis of the decisions cited by him in the grounds of affidavit.

4. At this, the learned Additional Government Pleader and the learned Special Government Pleader appearing for the respondents would submit that if such direction is issued for reconsideration, the same would be complied.

5. In the above circumstances, without going into the merits and demerits of the rival contentions, this writ petition is disposed of by directing the respondents to pass orders afresh after considering the petitioner's claim with reference to the legal precedents rendered by the Honourable Supreme Court of India and also this Court, as disclosed in the affidavit filed in support of the writ petition.

6. The fresh orders are to be passed within a period of four weeks from the date of receipt of a copy of this order. It is also open to the petitioner to submit a copy of this affidavit and also the decision to be relied on by him in support of his representation. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home (Police) Department,
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Chennai-600009.
2. The Member Secretary,
Taminadu Uniform Services
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Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

4. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

Ssi(co)
krd 29/10

W.P.No.9857 of 2020