

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.09.2020

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.9823 of 2020 and
W.M.P.No.11941 & 11943 of 2020

M.Vinod Kumar

.... Petitioner

-Vs-

1) The Director General of Police,
Dr Radhakrishnan Salai.
Mylapore, Chennai -4.

2) The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ, calling for the records of the 2 respondent in connection with the impugned order passed by him in C.No. A2/140943/2019 dt 20.5.2020 and quash the same and direct the respondents to restore the the appointment of the petitioner as Grade-II Police Constable in pursuance of selection made in the year 2019 and send him for training and grant him all consequential service and monetary benefits and grant such other further relief as this Hon'ble Court may deem fit in the circumstances of the case.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for M/s.M.Muthappan

For Respondents : Mr. J.Ramesh,
Additional Government Pleader

O R D E R

In 2017, the petitioner applied for selection to the post of Grade II Police Constable and came out successful in all stages of selection. On the basis of the selection, he was given appointment as Grade II Police Constable by the proceedings of

the second respondent dated 16.10.2017. Thereafter, the petitioner was sent for training. During the period of his training, the petitioner was issued with an order dated 02.11.2017 cancelling his appointment on the ground that the petitioner was involved in a Criminal Case registered in Crime No.186 of 2014 on the file of R.K.Pet Police Station for offences under Section 147, 294(b), 324 and 506(ii) IPC and was named as Accused No.7. After cancelling the appointment order, the petitioner was also discharged from service.

2. After the conclusion of the trial in the criminal proceedings, the petitioner was ultimately acquitted by the criminal Court on 11.12.2017 and thereafter the petitioner appears to have submitted a representation for reinstatement to the first respondent. The same however did not evoke any response.

3. While the matter stood thus, there was another Notification in 2019 for selection and appointment to the post of Grade II Police Constable, Jail Warden and Firemen. The petitioner once again applied for the said posts and in the application form, he had also admitted of his involvement in the criminal case and also subsequent acquittal. Like the earlier one, the petitioner was successful in all stages of selection and the certificates were also verified and found to be in order. Thereafter, in the provisional selection list his name was also included. The batch mates who were selected along with the petitioner had been sent for training in the meanwhile. In these circumstances, the second respondent vide proceedings dated 20.05.2020 revoked the provisional selection under Rule 14B(ii) (iv) under Explanation 1 of Special Rules for Tamil Nadu Police Subordinate Services, on the ground that the petitioner is not eligible for appointment due to his past antecedents and the provisional selection of the petitioner order was cancelled. The present writ petition is filed challenging the rejection.

4. Notice was ordered and Mr.J.Ramesh took notice for the respondents. When the matter came up for hearing, learned Senior Counsel Mr.K.Venkataramani appearing for the petitioner would submit among other things that the rejection order by the second respondent did not take into consideration the decision rendered by a Division Bench of this Court in W.A.No.3877 of 2019 dated 13.11.2019. According to the learned Senior Counsel, the Division Bench of this Court has considered the aspect of involvement of criminal case and acquittal and the allied factors and has held as to how the authority should consider the

suitability of such candidates. Learned Senior Counsel would submit that he would be satisfied if this Court directs the second respondent to reconsider his decision on the basis of the above judgment of the Division Bench of this Court within some time frame.

5. At this, the learned Additional Government Pleader submits that he has no objection if such direction is issued as the petitioner only wants reconsideration of his claim.

6. In view of the submission of the learned Senior Counsel restricting his prayer as above and the learned Additional Government Pleader would have no legitimate objection for such proposal, the writ petition is disposed of as under.

7. The second respondent is directed to consider the claim of the petitioner afresh with reference to the detailed orders passed by the Division Bench of this Court dated 13.11.2019 in W.A.No.3877 of 2019 within a period of four weeks from the date of receipt of a copy of this order. The second respondent shall also take into consideration the facts which led to the registration of the complaint against the petitioner and other surrounding circumstances of the case before passing final orders.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST

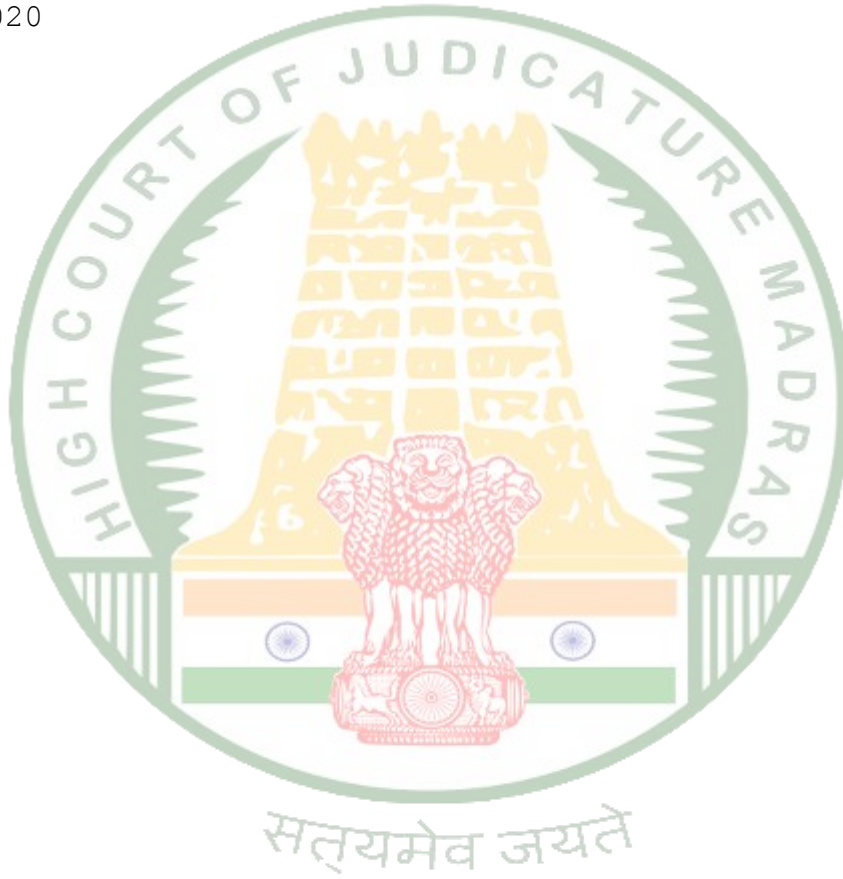
To

- 1) The Director General of Police,
Dr Radhakrishnan Salai.
Mylapore, Chennai -4.

2) The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

W.P.No.9823 of 2020

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