



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8379 of 2019

and

W.M.P. (MD) No.6577 of 2019

Ali Khan

... Petitioner

vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Chennai 8

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent no.2 to give promotion to the petitioner with all continuation from the date of his appointment.

For Petitioner : Ms.S.M.A.Jinnah

For Respondents : Mr.K.Chellapandian,
Additional Advocate General,
Assisted by Mr.R.Sethuraman,
Special Government Pleader.

O R D E R

The petitioner's candidature, being a departmental candidate, came to be rejected on the ground that certain charges were pending against him as on the date of the notification for the post of Sub Inspector of Police.

2. The notification issued by Tamil Nadu Uniformed Services Recruitment Board in No.2 of 2019, dated 08.03.2019, prescribes the eligibility criteria for the departmental quota candidates as 20% and one of the conditions required for applying under the departmental quota is that, the candidates should have a clean record without any punishment other than minor punishments of black mark, reprimand and censure in their entire service.



3. In the instant case, certain charges were framed against the petitioner for involvement in the criminal case in P.R.C.No.40 of 2009 on the file of learned Mahila Sessions Judge, Madurai. Subsequently, the petitioner came to be acquitted on 15.04.2015. Insofar as the charges framed against the petitioner is concerned, the same has been challenged before this Court in W.P. (MD) No.1200 of 2016 and by order dated 22.01.2016, the charge memo dated 09.12.2015 has been stayed. In any event, the pendency of the charges, as on the date of notification, is not a disqualification and therefore, the petitioner is entitled to succeed.

4. In the light of the above observations, the impugned order dated 09.12.2015 issued by the first respondent, insofar as the petitioner herein is concerned, stands quashed. The respondents shall consider the petitioner's candidature for the purpose of further selection process, without any reference to the present rejection, and the Writ Petition stands allowed accordingly. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.6577 of 2019 is closed.

Sd/-

Assistant Registrar ()

// True Copy //

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Sub Assistant Registrar (CS)

To

1.The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Chennai 8

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-1537[F] dated 10/01/2020)

Order made in
W.P. (MD) No.8379 of 2019
10.01.2020

sts

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