



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8752 of 2019

and

W.M.P. (MD) No.6807 of 2019

Sasikandth

... Petitioner

vs.

1.The Superintendent of Police,
Ramanathapuram District,Ramanathapuram.

2.The Inspector of Police,
Thankatchimadam Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to issue No Objection Certificate for submitting application for the post of Sub Inspector of Police based upon the petitioner's representation dated 11.03.2019 within a time frame fixed by this Court.

For Petitioner : Ms.S.Prabha

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, the petitioner has only been charged with certain alleged misconducts. Mere pendency of the charges against a candidate is not a disqualification, as per the conditions in the notification. The charges framed against a departmental candidate will not amount to punishment and therefore, the rejection of the petitioner's candidature itself is improper. It would be appropriate to mention here that, even the charges framed against the petitioner came to be later dropped on 31.12.2019. 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 19.09.2018 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 dated 15.04.2019, and the Writ Petition stands allowed accordingly. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.6807 of 2019 is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2. The Inspector of Police,
Thankatchimadam Police Station,
Ramanathapuram District.

+1 CC to M/s. GOKULRAJ, Advocate (SR-1455[F] dated 10/01/2020)

Order made in
W.P. (MD) No.8752 of 2019
10.01.2020

sts

SDS (10.01.2020) 2P-4C