



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P.(MD) No.17957 of 2020

and

W.M.P.(MD) Nos.14962 & 14964 & 14965 of 2020

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Paulraj

...Petitioner

Vs

1.The Tamilnadu Uniformed Recruitment Board,
through its Chairman,
No.807, P.T.Lee Chengalvaraya Naicker Maaligai,
Anna Salai,
Chennai.

2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

3.The Chairman/Member,
Recruitment Sub Committee,
Thoothukudi Centre,
Thoothukudi District.

4.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

...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 pertaining to the impugned order passed by the 4th respondent through his proceeding in Na.Ka.No.A4/10075/2019 dated 26.02.2020 and to quash the same and consequently direct the respondents to provide appointment to the petitioner as Grade II Constable in the Tamil Nadu Police.

For Petitioner : Mr.M.R.Sreenivasan

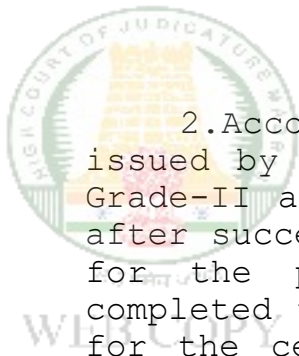
For Respondents : Mr.K.Chellapandian

Additional Advocate General assisted by
Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Challenging the impugned order passed by the 4th respondent in Na.Ka.No.A4/10075/2019, dated 26.02.2020 and for a direction to the respondents to provide appointment to the petitioner as Grade-II Constable, the present writ petition has been filed.



2. According to the petitioner, in pursuant to the notification issued by the 1st respondent, he applied for the post of Constable Grade-II and thereafter, he was called for written examination and after successfully completing the written examination, he was called for the physical efficiency test. The petitioner successfully completed the physical efficiency test and therefore, he was called for the certificate verification by the 3rd respondent, which was held on 21.11.2019 and the petitioner had also participated in the certificate verification.

3. After verification, the respondents found that a case in C.C.No.273 of 2012 on the file of the learned Judicial Magistrate No.1, Kuzhithurai, is pending as against the petitioner and therefore, the 4th respondent had passed the impugned rejection order, dated 26.02.2020 and had rejected the petitioner's selection.

4. It is the sole contention of the learned counsel appearing for the petitioner that after trial, the learned Judicial Magistrate No.1, Kuzhithurai, by judgment dated 29.07.2020, acquitted the petitioner from the aforesaid criminal case. Therefore, the petitioner has made a representation, dated 29.08.2020 along with the acquittal order, dated 29.07.2020 to the respondents 2 and 4 seeking to provide appointment order for the post of Constable Grade-II. However, the respondents 2 and 4 have not considered the petitioner's request till date. Hence, left with no other alternative, the petitioner is before this Court.

5. On the other hand, Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents would submit that at the time of certificate verification, it is found that a case in C.C.No.273 of 2012 on the file of the learned Judicial Magistrate No.1, Kuzhithurai, is pending as against the petitioner. Based on the aforesaid criminal case, the 4th respondent had passed the impugned rejection order, dated 26.02.2020 and had rejected the petitioner's selection. He would further submit that subsequent to the rejection only, the petitioner was acquitted from the said criminal case, by judgment dated 29.07.2020. Therefore, the learned Additional Advocate General would submit that the 4th respondent has rightly applied his mind and had passed the impugned order, dated 26.02.2020. Hence, the learned Additional Advocate General would submit that the writ petition ought to be dismissed.

6. For the aforesaid submission, the learned counsel appearing for the petitioner prays this Court that the petitioner may be allowed to participate in the recruitment process for the said post, in future.

7. In reply, the learned Additional Advocate General would submit that if the petitioner applies for the said post in future,



his application may be considered on merits and in accordance with law by the respondents.

8. Heard the learned counsel on either side and perused the materials available on record.

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9. On a perusal of the materials available on record, *prima facie*, it appears that on the date of passing the rejection order, dated 26.02.2020, a case in C.C.No.273 of 2012 on the file of the learned Judicial Magistrate No.1, Kuzhithurai, was pending as against the petitioner and based on the same, the 4th respondent had rejected the petitioner's selection, which does not warrant any interference of this Court. Further, it appears that subsequent to the rejection only, the petitioner was acquitted from the said criminal case, by judgment dated 29.07.2020 and therefore, the same will not affect the rejection order passed by the 4th respondent, dated 26.02.2020. However, considering the facts and circumstances of the case, this Court hopes that if the petitioner applies for the said post in future, his application may be considered on merits and in accordance with law by the respondents.

10. With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chairman,
Tamilnadu Uniformed Recruitment Board,
No.807, P.T.Lee Chengalvaraya Naicker Maaligai,
Anna Salai,
Chennai.



2.The Director General of Police,
Office of the Director General of Police,
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3.The Chairman/Member,
Recruitment Sub Committee,
Thoothukudi Centre,
Thoothukudi District.

4.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

+1 CC to M/s.SPL GP,SR.No.24855 dated 10/12/2020.

+1 CC to Mr.Sreenivasan,Advocate, SR.No.24560 dated 09/12/2020

W.P. (MD) No.17957 of 2020
08.12.2020

SS (CO)
KB(06.01.2021) 4P 7C