

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on 22.12.2020

Order delivered on 05.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.19738 of 2019

S.Satheesh Kumar

.. Petitioner

Vs

1. The Director General of Police,
Kamarajar Salai,
Chennai - 600 004.

2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

3. The Chairman,
Tamilnadu Uniformed Service
Recruitment Board,
Egmore,
Chennai.

(R3- suo motu impleaded vide
order dated 15.12.2020 made in
W.P.19738/2019 by VPNJ)

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus to call for the concerned records relating to the Order in C.No.M1/51890/2017 dated 22.02.2019 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to issue an order of appointment to the petitioner, appointing him as Police Constable Grade-II with all consequential monetary benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.V.Kathirvelu,
Special Government Pleader

O R D E R

The matter is taken up through web hearing.

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the Order in C.No.M1/51890/2017 dated 22.02.2019 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to issue an order of appointment to the petitioner, appointing him as Police Constable Grade-II with all consequential monetary benefits.

2. The facts and circumstances of the case which gave rise to the filing of the writ petition are stated hereunder.

i) The petitioner herein belongs to Scheduled Caste community. In 2012, the Tamil Nadu Uniformed Service Recruitment Board had called for candidates for selection for recruitment to the post of Grade-II Police Constable. The petitioner being eligible for consideration, applied for the said recruitment. He appeared in the written examination conducted on 24.06.2012. According to the petitioner, he was successful in the written examination and thereafter, he was subjected to further selection like Medical examination on 20.11.2012 before the Government Hospital, Kancheepuram. Subsequently, when the petitioner was awaiting appointment letter, an order was issued on 10.12.2012 informing the petitioner that upon his character verification, it was found that the same was not satisfactory as the petitioner had involved in a criminal case and therefore, not fit for appointment for the Police Force.

ii) According to the petitioner, he was involved only in S.T.C. Case No.414/2012, but was acquitted by the Criminal Court on 15.10.2012, well before the Medical Examination which was conducted in the month of November, 2012. According to the petitioner, his father was earlier employed as Head Constable in the Police Force, but died while he was in service. The petitioner was not selected, despite being successful in all the stages of selection, ultimately, because of a trivial family dispute involving the petitioner in the criminal case but subsequently, he was acquitted in the case by the Criminal Court. The Criminal Court, while acquitting the petitioner, despite lack of any evidence, has based its conclusion on the benefit of doubt in favour of the petitioner.

iii) Therefore, the petitioner, in order to clear his name honourably, the petitioner had filed Crl.R.C.1474/2013 against the acquittal order and the revision was allowed on 28.11.2013, modifying the finding of the trial Court from the benefit of doubt to that of honourable acquittal. Since the petitioner had been honourably acquitted eventually, he approached this Court and filed W.P.No.1578/2013 seeking to challenge the original

rejection order dated 10.12.2012 with consequential prayer for his appointment to the post of Police Constable Grade-II on the basis of his selection.

iv) The Writ Petition was heard and allowed by this Court on 18.07.2017 and the operative portion of the order of the said Writ Petition is extracted hereunder.

"...In the upshot of the above discussion and the narrative, this Court is of the view that the impugned order dated 10.12.2012 is liable to be quashed and therefore, the same is quashed. The respondents are directed to grant appointment to the petitioner to the post of Police Constable Grade II with all consequential and attendant benefits. It is also made clear that the petitioner is not entitled to wages for the period in question on the ground of "No work No pay". However, he is entitled to all other benefits like seniority and continuity of service etc. The said direction shall be complied with by the respondents within a period of two months from the date of receipt of a copy of this order..."

v) In spite of this Court allowing the Writ Petition as above, there was no action forthcoming from the respondents. Therefore, the petitioner was once again constrained to approach this Court in W.P.No.27543/2017 seeking issuance of Writ of Mandamus directing the respondent to depute him to the police training which was to commence on 01.11.2017 at that point of time. This Court disposed of the writ petition on 28.11.2017 by passing the following directions.

"6. This Court, taking note of the fact that there is order in appeal against the direction given by this court dated 18.07.2017 passed in W.P.No.1578 of 2013 and also taking note at the fact that training for Grade-II Police Constable has already been commenced, this court is inclined to pass the following Order:-

"The respondent is directed to implement the order passed by this Court in W.P.No.1578 of 2013 dated 18.07.2017, within two weeks, subject to the result of the Writ Appeal.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected WMP is closed."

vi) Even thereafter, no action was forthcoming, therefore, the petitioner was constrained to file Contempt Petition No.891/2018. In the meanwhile, the respondents filed

W.A.No.753/2017 against the earlier order dated 18.07.2017 in W.P.No.1578/2013 and another W.A.No.755/2018 against the subsequent order dated 28.11.2017 in W.P.No.27543 of 2017. Both the Writ Appeals were disposed of by the Division Bench on 24.07.2018 with the following directions.

"... In view of the foregoing reasons, the writ appeal is partly allowed and the order of the learned single Judge is set aside only in respect of the positive direction given by the learned Single Judge to appoint the respondent as Gr.II P.C. With all attendant benefits. The portion of the orders of the learned Single Judge quashing the impugned proceeding dated 10.12.2012 is confirmed. The appellants are directed to consider the matter afresh in the light of the judgment of the Honourable acquittal passed by this Court in CrI.RC.No.1474 of 2013 dated 28.11.2013 and take a decision as to whether the selection of the respondent should be rejected or the failure on the part of the respondent to disclose his involvement in the criminal case should be condoned. The said exercise shall be completed within four weeks from the date of receipt of a copy of the order."

...

Q. We are also of the opinion that the appellants who have the discretion to cancel the appointment should have taken note of the fact that the respondent had been acquitted of the charges on the day when he made the declaration viz., on 27.11.2012. Subsequently, in Revision filed by the respondent/petitioner this Court had converted the acquittal on benefit of doubt as an honourable acquittal. It is also seen from the judgment of the learned Judicial Magistrate, Kanchipuram rendered in S.T.C.No.414 of 2012 the offences and the entire dispute had arisen out of the family quarrel. We are therefore of the considered opinion that, the appellants will do well to reconsider the entire issue in the light of the honourable acquittal granted by this Court in CrI.R.C.No.1474 of 2013 on 28.11.2013.

10. We have partially allowed the said appeal setting aside the direction made by the learned single Judge to appoint the

respondent in this appeals as Gr.III P.C. With all attendant benefits. We have further directed the appellants to consider the matter afresh in the light of certain subsequent developments. In view of the same, the direction issued by the learned single judge in W.P.No.27543 of 2017 has to be necessarily set aside and the same is accordingly set aside."

vii) In pursuance of the direction of the Division Bench, the 2nd respondent herein, once again rejected the claim of the petitioner on the ground the petitioner had suppressed the fact of involvement in the criminal case and he was acquitted on benefit of doubt and the subsequent order passed by the High Court in the Criminal Revision, modifying the acquittal as one of honourable acquittal would not come to his rescue as the original order of rejection was passed as early as on 10.12.2012. On the basis of the above reasoning, the petitioner's claim was ultimately, rejected by order dated 22.02.2019. Challenging the same, the petitioner is before this Court.

3. Mr.Gnanasekar, learned counsel appearing for the petitioner submitted that the 2nd respondent order, rejecting the claim of the petitioner is ex-facie illegal for the simple reason that when the criminal court in criminal revision has modified the trial Court's order into one of honourable acquittal, the decision in the revision case would date back to the trial court verdict, in which event, the original criminal court order stood modified as one of honourable acquittal. Therefore, it is not open to the 2nd respondent to reject the claim of the petitioner on the reasoning that the original rejection order dated 10.12.2012 was prior to the criminal revision order, granting the petitioner, honourable acquittal.

4. According to the learned counsel, the petitioner has been agitating his right since 2012 and the petitioner hails from a downtrodden community and had earned his selection on his own right, but for his involvement in the family dispute, which led to the registration of F.I.R. and criminal case against him. In any case, the family dispute had ultimately ended in honourable acquittal and therefore, the legal impediment for his consideration stood removed effectively. In fact, the Division Bench has also observed, which was also extracted above, that the criminal offences had arisen out of a family quarrel and opined that the authority will do well to reconsider the entire issue in the light of the honourable acquittal. Despite the observation of the Division Bench, the authority had once again relied on the Rule position namely, that if a candidate is acquitted on benefit of doubt, he would still deemed to be convicted person in terms of Rule 14(b) Explanation II of the

Tamil Nadu Police Subordinate Service Rules. Learned counsel submitted that the citing of the Rule itself is misconceived, since the revisional court has granted him honourable acquittal and therefore, it was no more open to the authority to still term the acquittal of the petitioner on the basis of benefit of doubt. In any case, the learned counsel would submit that the authority has not taken into account, the nature of offence and the facts which led to the honourable acquittal. Therefore, the impugned order is liable to be interfered with.

5. Mr.V.Karthirvelu, learned Special Government Pleader strongly opposed the petition stating that the petitioner has suppressed the material fact of his involvement in the criminal case. Therefore, that by itself is a bar for being considered to the recruitment in the Police Force. According to the learned Special Government Pleader, the 2nd respondent is the competent authority to assess the suitability of the candidate and such subjective consideration is not open for judicial interference. In any case, the learned Special Government Pleader would submit that today, the petitioner is over aged and he cannot be considered for appointment. Therefore, he would submit that the writ petition is liable to be dismissed.

6. This Court, considered the submission of the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

7. The above factual narrative would unequivocally establish that the petitioner, though being successful in his repeated attempts to get positive directions from this Court towards his appointment in the Police Force as Grade-II Police Constable, yet ultimately, the authority concerned stood his ground in rejecting the claim of the petitioner. In fact, this Court has repeatedly held in number of decisions, following all encompassing judgement of the Hon'ble Supreme Court. In Avathar Singh's case, the Honourable Supreme Court has laid down clear guidelines as to how the authority must assess the suitability of candidates who had been involved in criminal case and outlined what is the yardstick to be applied in respect of various contingencies arising for such consideration. The Police authorities have not been taken note of the law laid down by the Hon-ble Supreme Court while deciding such issues, and repeatedly such cases have met with the same fate by mechanical rejection. This Court, in consideration of the repeated failure of the authorities in applying their minds in terms of the legal principles laid down by the Courts, has allowed several writ petitions either by directing the authorities to appoint the candidates or by directing the authorities to reconsider the cases afresh. In all the matters, the Courts have commented on the cavalier way of disposal of such claims by the authorities so callously.

8. In this case, it is quite peculiar and singular for the reason that the petitioner was admittedly acquitted honourably in the criminal case. In fact, originally, this Court has directed for appointment of the petitioner vide its order dated 18.07.2017 in W.P.No.1578/2013. However, the same was modified and yet the Division Bench, which entertained the appeal had indeed given direction to reconsider the claim of the petitioner afresh, by taking into consideration the honourable acquittal granted by the criminal court in the revision. When the Division Bench of this Court has directed the authority to reconsider the case afresh, it does not mean that the authorities can ignore the modified order of honourable acquittal and rely on the reason set out in the original order dated 10.12.2012. In fact, in the opinion of this Court, such reasoning in the present impugned order amounted to committing gross disobedience of the order passed by the Division Bench of this Court.

9. Be it as it may, as rightly contended by the learned counsel for the petitioner, the honourable acquittal granted by the Criminal Court in the revision would relate back to the date of original order passed by the trial Court and it merges with the said order. Therefore, this Court is unable to appreciate as to how the 2nd respondent has come up with this specious reason stating that the rejection order originally passed against the petitioner on 10.12.2012 was earlier to the criminal revision order. This only shows that the respondent did not have any open mind at all to reconsider the claim of the petitioner but had a pre-determined mind to reject the claim summarily.

10. Moreover, number of decisions have been rendered by this Court impressing upon the authority that while considering the suitability and assessment of the candidate, it is imperative on the part of authority to analyse the nature of offences involved and whether the involvement of candidate for such offence would be detrimental to public interest, in the event of the candidate being recruited to the Police Force etc. Such finding must be found in the order of the authority while rejecting the candidature of the candidate concerned. On the other hand, the authority, the 2nd respondent herein has passed a clichéd and mechanical order of rejection on a summary consideration on the basis of the rule position, which in the opinion of this Court is per se arbitrary and disclosed complete non-application of mind.

11. The tenor in which the claim of the petitioner was disposed of by the impugned order, did not show the authority in good light, as he has miserably failed to appreciate the spirit of the directions passed by the learned single Judges as well as the Division Benches of this Court in respect of the petitioner's claim.

12. It is also useful to refer to the following all encompassing directions issued by the Hon'ble Supreme Court in

Avatar Singh's case reported in (2016) 8 SCC 471 (Avatar Singh Vs. Union of India and others). After thoroughly analyzing all the possible situations that may confront the authorities concerned in assessing the suitability of the candidates involved in criminal case, the Hon-ble Supreme Court has ultimately ruled as under in paragraphs 29 to 39:

"29. The verification of antecedents is necessary to find out fitness of incumbent, in the process if a declarant is found to be of good moral character on due verification of antecedents, merely by suppression of involvement in trivial offence which was not pending on date of filling attestation form, whether he may be deprived of employment? There may be case of involving moral turpitude/serious offence in which employee has been acquitted but due to technical reasons or giving benefit of doubt. There may be situation when person has been convicted of an offence before filling verification form or case is pending and information regarding it has been suppressed, whether employer should wait till outcome of pending criminal case to take a decision or in case when action has been initiated there is already conclusion of criminal case resulting in conviction/acquittal as the case may be. The situation may arise for consideration of various aspects in a case where disclosure has been made truthfully of required information, then also authority is required to consider and verify fitness for appointment. Similarly in case of suppression also, if in the process of verification of information, certain information comes to notice then also employer is required to take a decision considering various aspects before holding incumbent as unfit. If on verification of antecedents a person is found fit at the same time authority has to consider effect of suppression of a fact that he was tried for trivial offence which does not render him unfit, what importance to be attached to such non-disclosure. Can there be single yardstick to deal with all kind of cases?

30. The employer is given 'discretion' to terminate or otherwise to condone the omission. Even otherwise, once employer has

the power to take a decision when at the time of filling verification form declarant has already been convicted/acquitted, in such a case, it becomes obvious that all the facts and attending circumstances, including impact of suppression or false information are taken into consideration while adjudging suitability of an incumbent for services in question. In case the employer come to the conclusion that suppression is immaterial and even if facts would have been disclosed would not have affected adversely fitness of an incumbent, for reasons to be recorded, it has power to condone the lapse. However, while doing so employer has to act prudently on due consideration of nature of post and duties to be rendered. For higher officials/higher posts, standard has to be very high and even slightest false information or suppression may by itself render a person unsuitable for the post. However same standard cannot be applied to each and every post. In concluded criminal cases, it has to be seen what has been suppressed is material fact and would have rendered an incumbent unfit for appointment. An employer would be justified in not appointing or if appointed to terminate services of such incumbent on due consideration of various aspects. Even if disclosure has been made truthfully the employer has the right to consider fitness and while doing so effect of conviction and background facts of case, nature of offence etc. have to be considered. Even if acquittal has been made, employer may consider nature of offence, whether acquittal is honourable or giving benefit of doubt on technical reasons and decline to appoint a person who is unfit or dubious character. In case employer comes to conclusion that conviction or ground of acquittal in criminal case would not affect the fitness for employment incumbent may be appointed or continued in service.

31. Coming to the question whether an employee on probation can be discharged/refused appointment though he has been acquitted of the charge/s, if his case was not pending when form was filled, in

such matters, employer is bound to consider grounds of acquittal and various other aspects, overall conduct of employee including the accusations which have been levelled. If on verification, the antecedents are otherwise also not found good, and in number of cases incumbent is involved then notwithstanding acquittals in a case/cases, it would be open to the employer to form opinion as to fitness on the basis of material on record. In case offence is petty in nature committed at young age, such as stealing a bread, shouting of slogans or is such which does not involve moral turpitude, cheating, misappropriation etc. or otherwise not a serious or heinous offence and accused has been acquitted in such a case when verification form is filled, employer may ignore lapse of suppression or submitting false information in appropriate cases on due consideration of various aspects.

32. No doubt about it that once verification form requires certain information to be furnished, declarant is duty bound to furnish it correctly and any suppression of material facts or submitting false information, may by itself lead to termination of his services or cancellation of candidature in an appropriate case. However, in a criminal case incumbent has not been acquitted and case is pending trial, employer may well be justified in not appointing such an incumbent or in terminating the services as conviction ultimately may render him unsuitable for job and employer is not supposed to wait till outcome of criminal case. In such a case non disclosure or submitting false information would assume significance and that by itself may be ground for employer to cancel candidature or to terminate services.

33. The fraud and misrepresentation vitiates a transaction and in case employment has been obtained on the basis of forged documents, as observed in M. Bhaskaran's case (supra), it has also been observed in the reference order that if an appointment was procured fraudulently, the incumbent may be terminated without holding

any inquiry, however we add a rider that in case employee is confirmed, holding a civil post and has protection of Article 311 (2), due inquiry has to be held before terminating the services. The case of obtaining appointment on the basis of forged documents has the effect on very eligibility of incumbent for the job in question, however, verification of antecedents is different aspect as to his fitness otherwise for the post in question. The fraudulently obtained appointment orders are voidable at the option of employer, however, question has to be determined in the light of the discussion made in this order on impact of suppression or submission of false information.

34. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, but ultimate action should be based upon objective criteria on due consideration of all relevant aspects.

35. Suppression of 'material' information presupposes that what is suppressed that 'matters' not every technical or trivial matter. The employer has to act on due consideration of rules/instructions if any in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.

36. What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by concerned authorities considering post/nature of duties/services and power has to be exercised on due

consideration of various aspects.

37. The 'McCarthyism' is antithesis to constitutional goal, chance of reformation has to be afforded to young offenders in suitable cases, interplay of reformatory theory cannot be ruled out in toto nor can be generally applied but is one of the factors to be taken into consideration while exercising the power for cancelling candidature or discharging an employee from service.

38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize our conclusion thus:

38.1 Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2 While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3 The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4 In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted : -

38.4.1 In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2 Where conviction has been recorded in case which is not trivial in

nature, employer may cancel candidature or terminate services of the employee.

38.4.3 If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5 In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6 In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case. 38.7 In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8 If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9 In case the employee is confirmed in service, holding Departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10 For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant

comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

38.11 Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.

39. We answer the reference accordingly. Let the matters be placed before an appropriate Bench for consideration on merits."

13. In the above matter, the Honourable Supreme Court has clearly held that even in the cases of non-disclosure of involvement in the criminal case, if ultimately, even if such case ends in conviction, however, the same is not material or offences are trivial in nature, still the candidate suitability must be assessed on the basis of his individual merit and on the basis of other circumstances. Therefore, it is not open to the authority to have a blinkers on their mind and look at the suitability of candidate with a narrow perspective. This case is a classic example as to how the 2nd respondent is unwilling to appreciate the claim of the petitioner dispassionately by conforming to his officious pedantic position in sticking to the letter of the Regulation ignoring the spirit of the rule.

14. In fact, this Court allowed number of writ petitions arising under similar circumstances. Once such case is W.P.No.8284 of 2020 dated 04.09.2020. In that, this Court commented on the authorities of passing rejection order routinely. At paragraph Nos.15 and 16, this Court has observed as hereunder:

"15. Once, admittedly, the competent authority is clothed with the ultimate responsibility of assessing the suitability of the candidates, when such responsibility is discharged in a particular manner to the detriment of the candidates, the onus shifts on this Court to review the decision taken by the authority, on the touchstone of fair play and good conscience, from the vice of arbitrariness. So much so this Court, while undertaking such review of the impugned action of the fourth respondent, primarily finds that the impugned decision is the result of callous and apathetic application of the Rule as mentioned in the

impugned order in so far as the case on hand is concerned. Sticking to the rigor of the letter of the Rule than to the spirit of the Regulation for which it was intended and enacted is a poor reflection of tunnel vision of officious disposition.

16. Of course, the objective of the relevant Rule is intended to weed out the elements with criminal antecedents, involved in serious criminal offences, in order to protect the Police Force from infiltration of such creeping elements. The intention apart, in the matter of implementation of the Rule in the given situation, the authority expected to act wisely and judiciously. The authority cannot blindfold himself and implement the Rule unmindful of the fact situation, allowing the vice of arbitrariness to take precedence in the decision making process, exposing the eventual decision to judicial interference. The authority notwithstanding the Rule, is empowered to assess the suitability of the candidate concerned, in a given situation, in furtherance of the spirit of the Rule and such discretion cannot be discharged uniformly across the Board although the Rules are meant to apply uniformly to all persons, but the uniformity requirement in the decision making process of the authority is meant to be applied in homogeneous circumstances and not in respect of dissimilar situation across the spectrum as reasoned by the Hon'ble Supreme Court in the "Avtar Singh's case (cited supra). It will be a travesty of justice if the authority who is invested with the power to decide about the suitability of the candidates embarks upon painting all the candidates with the same brush. Such exercise of power with mindless uniformity would only lead to miscarriage of justice. The discretion so vested under the Rule and the leverage provided would then become inane and pointless."

15. In the above circumstances, this Court is not further inclined to provide any discretion to the authority to reconsider his decision, since the earlier directions of this

Court did not have any positive impact on the 2nd respondent and the petitioner has lost about eight years in pursuing his legal remedy and for no fault of his he has become over aged today for consideration, as pleaded on behalf of the respondents. Therefore, this Court is of the considered view that suitable direction is to be issued to the Government to grant necessary age relaxation to the petitioner paving way of his eventual appointment as Grade-II Police Constable and post his selection in 2012.

16. In the above circumstances, the impugned order dated 22.02.2019 passed by the 2nd respondent is hereby set aside as being illegal and void. The competent authorities are directed to grant necessary age relaxation to the petitioner to facilitate his eventual appointment as Grade-II police Constable in pursuance of his selection relating to the notification of the year 2012. The competent authorities are directed to grant age relaxation to be followed by appointment and such orders to be passed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Director General of Police,
Kamarajar Salai,
Chennai - 600 004.
2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
3. The Chairman,
Tamilnadu Uniformed Service
Recruitment Board,
Egmore, Chennai.

+1 cc to The Government Pleader Sr.No. 6672

W.P.No.19738 of 2019

KK(CO)
RMP(15/04/2021)