



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8271 of 2021

and

W.M.P(MD)Nos.6256 & 6257 of 2021

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P.Anbarasan

... Petitioner

vs.

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

2.The Chairman Sub Committee,
Tamil Nadu Uniform Services Recruitment Board,
Ramanathapuram Range,
Ramanathapuram District.

3.The Director General of Police cum
Inspector General of Prison,
Whannels Road,
Egmore,
Chennai - 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order made in the proceedings bearing No.3583/EW.1/2017, dated 14.03.2019 on the file of the third respondent and quash the same and direct the respondents to appoint the petitioner as Grade II Police Constable (Men)/Grade II Jail Warder (Men)/Firemen for the year 2017 in the common recruitment for the posts of Grade II Constables (Men, Women and third Gender)/Grade II Jail Warders (Men and /Women) and Firemen for the year 2017.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.C.Ramesh

Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus, to quash the order made in the proceedings bearing No.3583/ EW.1/2017, dated 14.03.2019, on the file of the third respondent and directing the respondents to appoint the petitioner as Grade II Police Constable (Men)/Grade II Jail Warder (Men)/ Firemen for the year 2017 in the common recruitment for the posts of Grade II Constables (Men, Women and third Gender)/Grade II Jail Warders (Men and /Women) and Firemen for the year 2017.



2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents.

3.According to the petitioner, the first respondent issued an advertisement for a common recruitment for the posts of Grade II Police Constables (Men, Women and Third Gender)/Grade II Jail Warders (Men and Women) and Firemen for the year 2017. The selection list consists of two stages, namely, written examination and physical test. The written test carries 80 marks and the physical test carries 15 marks respectively, out of 100 marks. The physical test is compartmentalized into three categories ie., physical measurement, physical efficiency and physical endurance test. The petitioner applied for the same on 20.02.2017 and participated in the selection process. The petitioner was provisionally selected for Grade II Jail Warder (Men and Women) for the year 2017. According to the petitioner, he belonged to SC category and he has secured 68 marks in the selection process, which is the cut-off mark for the selection for the said post. While he was waiting for the appointment order, the first respondent did not serve appointment order to him, instead, he received the impugned order, dated 14.03.2019 passed by the third respondent, stating that he was not selected due to pendency of criminal case.

4.Further according to the petitioner, at the time of applying for the examination, no criminal case was pending against him and both the cases referred to in the impugned order were registered subsequent to the filing of the application. Further, in one criminal case, the accused name was mentioned as Anbu, whereas the petitioner's name is Anbarasan. The police officials, after investigation, exonerated the petitioner in both the cases. In the above circumstances, the reason given by the third respondent in the impugned order is invalid and illegal and prayed for setting aside the impugned order.

5.Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents submitted that the petitioner has not challenged the impugned order immediately and he has challenged the impugned order in the year 2021, even after the entire selection process was over and prayed for dismissal of the Writ Petition.

6.From the materials available on record, it is seen that the petitioner has not challenged the impugned order, dated 14.03.2019, immediately and he has challenged the impugned order only in the year 2021. The selection process was initiated in the year 2017 and provisional selection was issued and the entire selection process was over. The petitioner is not diligent enough to approach the Court to get his grievance redressed at the earliest and the claim of the petitioner cannot be considered at this stage.



7.For the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

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 Member Secretary,
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- 2.The Chairman Sub Committee,
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- 3.The Director General of Police cum
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+1 CC to M/s.SPL GP (SR-17363[F] dated 23/04/2021)

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22.04.2021

ES (CO)

KB(12.05.2021) 3P 5C