



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.11973 of 2021 and

W.M.P(MD)No.9394 of 2021

WEB COPY

J. Santhoshkumar

... Petitioner

. vs .

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the the 3rd respondent in Na.Ka.No.A2/37888/2019, dated 19.05.2021 and to quash the same and consequently, directing the respondents to issue order of appointment in favour of the petitioner (Enrollement No.2110905) in the post of Sub Inspector of Police based on the provisional selection list issued by the third respondent dated 15.04.2021, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr. A.K. Manikkam
Standing Counsel for State

O R D E R

This Writ petition has been to call for the records relating to the impugned proceedings issued by the the 3rd respondent in Na.Ka.No.A2/37888/2019, dated 19.05.2021 and to quash the same and consequently, directing the respondents to issue an order of appointment in favour of the petitioner (Enrollment No.2110905) in the post of Sub Inspector of Police based on the provisional



selection list issued by the third respondent dated 15.04.2021, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

2.The Petitioner has applied for the post of Grade II Police Constable during the recruitment held on 2019. The Petitioner was not considered for selection by the respondents. According to the respondents, the respondents have rejected the selection on the ground that the Petitioner has involved in Cr.No.333 of 2017 registered for the offences under Section 174 Cr.P.C., @ 294(b), 323, 341 and 506(i) of IPC on the ground that the Petitioner has suppressed the said fact in the application form. According to the Petitioner the aforesaid reason stated in the impugned order is contrary to the notice and that the petitioner has also enclosed the application form in the typed set of papers. On a perusal of the application form filed in the typed set of papers, the Petitioner had given particulars with regard to the involvement of the case in Crime No.333 of 2017 and according to the Petitioner, there is no suppression of the facts as alleged by the respondents.

3.Mr.Veerakathiravan, learned Additional Advocate General appearing for the respondents also gone into the impugned order passed by the respondent and submitted that the said fact cannot be disputed.

4.After perusal of the impugned order, this Court is of the view that the 3rd respondent has passed the impugned order mechanically without considering the application in a proper manner wherein he has disclosed the factum of his involvement in the Criminal case in Cr.No.333 of 2017. But, on the contrary, the said application was rejected by the respondents. Therefore this Court has no hesitation to interfere with the impugned order.

5.Accordingly, the impugned order, dated 19.05.2021 passed by the third respondent is set aside and the writ petition is allowed and the matter is remanded back to the third respondent to consider the matter afresh and pass orders taking note of the decisions of the Hon'ble Supreme Court in Avthar's singh case and decision of the Division Bench of this Court in W.A(MD)No.3877 of 2019, dated 13.11.2019, as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



vsn /trp

To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai- 600 008.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District,
Thanjavur.

+1 CC to M/s.G.SANKARAN, Advocate (SR-32936[F] dated 27/10/2021)

+1 CC to M/s.SPL.GP (SR-32560[F] dated 26/10/2021)

W.P(MD)No.11973 of 2021 and

W.M.P(MD)No.9394 of 2021

25.10.2021

PS (CO)

RS/UV (08.11.2021) 3P 6C