



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD).No.19588 of 2020

W.M.P. (MD).Nos.16307 and 16309 of 2020

WEB COPY

V.Sivaraja

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai, Tamil Nadu.

2.The Director,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai.

3.The Superintendent of Police,
The Superintendent Office,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.P.1/4339/2020, dated 04.06.2020 and quash the same and consequently, direct the respondents to appoint the petitioner in the post of Grade II Police Constable in Tamil Nadu Special Police for the year 2019 based on the provisional selection list in the light of the order passed by the Honourable Apex Court.

For Petitioner : Mr.K.Selvam

For Respondents : Mr.K.Chellapandian,
Additional Advocate General

O R D E R

Heard Mr.K.Selvam, learned counsel for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, appearing for the respondents.

2.The petitioner herein seeks for a direction to the respondents for appointing him to the post of Grade-II Police Constable in the Tamil Nadu Special Police, in connection with the recruitment notification issued in the year 2019. One of the criteria for such consideration is that the candidate should be eligible in all the required qualifications and other conditions prescribed in the notification, as on the date of the recruitment



notification.

3. In the instant case, the recruitment notification was issued on 08.03.2019. The petitioner's candidature was not considered, since he was involved in a criminal case, which was pending on the date of the notification. The involvement in a criminal case is a disqualification for consideration, as per the regulations governing the recruitment. It is not in dispute that the criminal case was pending against the petitioner on the date of notification and that the petitioner was acquitted only on 17.12.2019, which is after the date of notification. As such, on the date of consideration, the petitioner's involvement in the criminal case would render him disqualified for consideration and as such, I do not find any infirmity in the impugned order, dated 04.06.2020, rejecting the petitioner's candidature.

4. The learned counsel for the petitioner would submit that the petitioner has been honourably acquitted by the learned Judicial Magistrate in C.C.No.91 of 2015, through the Judgment dated 17.12.2019. It is needless to point out that if at all the petitioner is of the view that the honourable acquittal would entitle him for consideration, the same can be availed by him during the next recruitment process and not in the present one, for the reasons stated above.

5. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

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Mylapore,
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2.The Director,
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+1 CC to M/s.SGP (SR-1599[F] dated 21/01/2021)

W.P. (MD) No.19588 of 2020
19.01.2021

VR(CO)
KK(03.02.2021) 3P 5C