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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO.3169 OF 2022

AND

W.M.P.NO.3328 OF 2022

K.Kalaiyazhagan

... Petitioner

vs.

1. The Tamil Nadu Uniformed
Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 8.
2. The Inspector of Police,
Panrutti Police Station,
Cuddalore District.
3. The Superintendent of Police,
Meenakshi Nagar,
Pudukuppam,
Cuddalore District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for records particularly to the impugned order C.C.No.A4/777/2020 dated 11.01.2022 issued by the 3rd respondent and quash the same and consequently consider the petitioner's candidature for the post of Constable - Gr-II in the light of the judgment of this Court reported in 2019 (6) CTC, Page 465.

For Petitioner : Mr.P.Vijendran

For R1 : Mr.P.Kumaresan
Additional Advocate General



For RR2 & 3 : Mr.P.Balathandayutham
Special Government Pleader

O R D E R

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This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for records particularly to the impugned order C.C.No.A4/777/2020 dated 11.01.2022 issued by the 3rd respondent and quash the same and consequently consider the petitioner's candidature for the post of Constable - Gr-II in the light of the judgment of this Court reported in 2019 (6) CTC, Page 465.

2. The case of the writ petitioner is that he has applied for the post of Gr.II PC-AR, for the year 2020 and he has appeared for the written examination which was held on 10.08.2021. He has passed the written test, physical measurement test and physical efficiency test and subsequently, he was provisionally selected by the respondent Board. During police verification, it was found that the petitioner was involved in a criminal case in Crime No.578 of 2019 for the offences under Sections 147, 294(b), 324, and 506(ii) of IPC and subsequently, charge sheet was filed in C.C No.13 of 2020 on the file the Judicial Magistrate No.I, Panruti and subsequently, the aforesaid case was ended in acquittal on 09.08.2021. Therefore, there is no legal impediment to consider the petitioner for the selection to the aforesaid post.

3. The learned Additional Advocate General appearing for the first respondent Board would submit that as per rule 14(2) sub rule (b) (iv) of the Special Rules for the Tamil Nadu Special Police Subordinate Service Rules, 1978, the petitioner is not eligible for the selection to the post of Grade II Police Constable and hence, his request is liable to be rejected. However, the petitioner's name will be considered for selection to the post of Grade II Police Constable in the next recruitment process as per rule.

4. In view of the aforesaid submissions, it appears that the writ petitioner has submitted his application for the post of Constable Gr-II, pursuant to the notification for the year 2020. At that time, a criminal case was registered against the petitioner in Crime No.578 of 2019 for the offences under Sections 147, 294(b), 324, and 506(ii) of IPC and subsequently, charge sheet was filed in C.C No.13 of 2020 on the file the Judicial Magistrate No.I, Panruti and thereafter, the aforesaid



case was ended in acquittal on 09.08.2021. The learned counsel for the petitioner would submit that now, the aforesaid criminal case was ended in acquittal and there is no legal embargo to consider the petitioner's name for selection to the post of Constable Gr-II. To the aforesaid contention of the petitioner, the learned Additional Advocate General appearing for the respondent Board objected that at the time of submitting his application, the petitioner's name was found to be involved in a criminal case in Crime No.578 of 2019 and subsequently, the petitioner was acquitted in the aforesaid criminal case in C.C.No.13 of 2020 by the Judicial Magistrate No.I, Panruti by judgment dated 09.08.2021. Rule 14(2) sub rule (b) (iv) of the Special Rules for the Tamil Nadu Special Police Subordinate Service Rules, 1978 clearly states that the application could not be considered for the recruitment and it could be considered only in the next recruitment process. Therefore, this Court is of the view that in the light of the aforesaid rule, the writ petitioner cannot claim such relief in the present petition. The petitioner's application will be considered by the first respondent Board in the next recruitment process, if he is otherwise eligible for selection as per rule.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police
Office Campus,
Pantheon Road, Egmore,
Chennai - 8.
2. The Inspector of Police,
Panrutti Police Station,
Cuddalore District.



3. The Superintendent of Police,
Meenakshi Nagar,
Pudukkuppam,
Cuddalore District.

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+1cc to Mr.P.Vijendran, Advocate, S.R.No.10923
+1cc to the Government Pleader, S.R.No.11626

W.P.No.3169 of 2022
and
W.M.P No.3328 of 2022

KV (CO)
PM/16/03/2022