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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6948 of 2022
and
W.M.P.No.6982 of 2022

M.Thirumal Chakravarthi

...Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.
2. The Director General of Police,
Tamil Nadu, Chennai - 600 004.
3. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

...Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent relating to the impugned order in his Na.Ka.No.A3/27322/2021 dated 06.01.2022, quash the same and issue consequential directions to the respondents herein to appoint the petitioner as Police Constable Grade-II in Tamil Nadu Special Police pursuant to the Provisional Selection List AR & TSR Sports (Roll No.1211315 Sl.No.822) Published by the 1st respondent herein.

For Petitioner : Mr.D.Baskar

For R1 : Mr.P.Kumaresan
Additional Advocate General

For RR2 & 3 : Mrs.S.Anitha
Special Government Pleader



ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. The case of the petitioner in brief:

The petitioner has applied for the recruitment for the post of Police Constable Grade-II (men and Women), Prison Warden and Firement in the Fire Services and Rescue Services Department, 2020 and the petitioner was subjected to written test, physical fitness test, interview etc., and he became successful in all tests and secured 53.0 marks out of 100 and the petitioner was provisionally selected to Tamilnadu Special Police as Police Constable, Grade II. But, the 3rd respondent has passed the cancellation order on 06.01.2022, for the reason that at the time of submitting his application, the petitioner has suppressed the fact of his involvement in a criminal case registered for the offences under Sections 294(b), 323 and 324 of IPC, in Crime No.1079 of 2020 on the file of the Indur Police Station. Challenging the aforesaid cancellation order, the petitioner has filed this writ petition before this Court.

3. The learned counsel for the petitioner would submit that at the time of submitting his application, the writ petitioner is not aware of the pendency of the criminal case. The petitioner was acquitted from the criminal case on 17.09.2021. Therefore, there is no legal bar to implement the appointment order issued to the petitioner pursuant to the selection made for the aforesaid post. Based on the aforesaid facts, the impugned cancellation order is liable to be quashed.

4. The learned Additional Advocate General appearing for the respondents would submit that pursuant to the recruitment notification for the post of Gr.II Police Constable for the year 2020 issued by the respondent, the petitioner has submitted his application and he was provisionally selected for the post of Police Constable, Grade II. But, he has suppressed the fact that he has involved in a criminal case in Crime No.1079 of 2020 on the file of the Indur Police Station and subsequently, he was acquitted from the aforesaid criminal case on 17.09.2021. Insofar as the recruitment for the year 2020 is concerned, the petitioner is not eligible for appointment as per Rule 14(b) (ii) and (iv) of Tamil Nadu Special Police Subordinate Services Rule 1978, (as amended in G.O. Ms.No.101, Home (Police - 9) Department, dated 30.01.2003) which reads as follows:

"14(b) No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority.



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(i) that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service and

(ii) that his character and antecedents are such as to qualify him for such service; and

(iii) that such a person does not have more than one wife living.

(iv) that he has not involved in any criminal case before police verification.

5. In the light of the aforesaid rule, on the date of recruitment process, a criminal case is pending against the petitioner in Crime No.1079 of 2020 and therefore, the respondent has rightly cancelled the provisional appointment order and there is no need to interfere with the order passed by the respondent Board. In view of the above, I find no merits in this writ petition and the same is liable to be dismissed. However, it is open to the petitioner to make his application for the next recruitment and the same shall be considered by the respondent Board, if he is eligible.

6. With the above observation, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Pantheon Road, Egmore,
Chennai - 600 008.
2. The Director General of Police,
Tamil Nadu, Chennai - 600 004.



3. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

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+1cc to Mr.R.Thamarai, Advocate, S.R.No.20242

+1cc to the Government Pleader, S.R.No.20641

W.P.No.6948 of 2022
and
W.M.P No.6982 of 2022

PA (CO)
SU (25/05/2022)