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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12874 of 2022

V.Marimuthu

...Petitioner

Vs.

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

2.Deputy Inspector General of Police,
Vellore Range,
Anna Salai, K.K. Nagar, Thorapadi,
Palavansathu - 632 001.

3.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioners' Office,
Pantheon Road,
Egmore, Chennai.

4.Superintendent of Police - Vellore,
NH- 46, Phase 1, Sathuvachari,
Vellore District - 632 012

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to proceedings in Na.Ka.No. A2 (3) E/777215/343/2020 dated 21.01.2021 passed by the fourth respondent herein and to quash the same and direct the respondents to grant appointment to the petitioner to the post of Sub-Inspector of Police (Taluk) and pass orders.

For Petitioner : Mr.Rayeesa Fathima

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.P.Ganesan
Government Advocate for R1 & R2
Mr.P.Ganesan
Government Advocate for R4



ORDER

This writ petition is filed for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to proceedings in Na.Ka.No. A2 (3) E/777215/343/2020 dated 21.01.2021 passed by the fourth respondent herein and to quash the same and direct the respondents to grant appointment to the petitioner to the post of Sub-Inspector of Police (Taluk).

2. The case of the writ petitioner is that the writ petitioner had applied for the post of Sub-Inspector of Police on 06.03.2015 through online application and he was successfully passed in the written examination and physical efficiency test conducted by the third respondent and secured the cut off marks for qualifying for viva-voce for the post of Sub-Inspector of Police but the respondent has rejected his selection on the ground that the petitioner did not reveal the pendency of the criminal case which was registered in F.I.R. in Cr.No.388 of 2013 for the offences under Sections 323, 294(B), 324, 506 II IPC. Challenging the said communication issued by the respondent, the writ petitioner has filed the writ petition in W.P.No. 4160 of 2016 before the Division Bench of this Court and the same was dismissed on 04.02.2016. Challenging the said final order, the writ petitioner preferred an appeal before the Supreme Court in SLA.No.18472 of 2017 and the same was dismissed on 22.09.2017 and the aforesaid order has become final.

3. The criminal case in CC.No. 100/2014 was taken up for hearing and the same was resulted in honourable acquittal, based on the order of acquittal, the petitioner has approached the respondent seeking appointment to the post of Sub-Inspector of Police on the basis of the recruitment notification of the year 2015 - 2016, but the respondent has rejected the said request of the petitioner by stating that the petitioner has not been appointed on the aforesaid notification, as the petitioner's writ petition was dismissed by this court. Therefore, challenging the said order, the writ petitioner has filed the instant writ petition before this court.

4. According to the learned counsel for the petitioner, the criminal case in C.C.No.100 of 2014 was ended in acquittal and therefore, he is entitled for the appointed to the post of Sub-Inspector of Police.

5. The learned Additional Advocate General appearing for the respondents 1 and 2 strongly objected to the petitioner challenging the rejection order passed by the respondent as his writ petition before the Division Bench of this court was dismissed by this Court and the appeal preferred by the petitioner before the Hon'ble Supreme Court was also dismissed.



Thereafter, the petitioner has made a representation pursuant to the acquittal in the criminal case and the said request was rightly rejected by the respondent. Therefore, there is no want of interference

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6. On considering the facts of the case and the submissions made by the learned counsel for the parties and perusing the materials on record, it is clear that it is undisputed that the writ petitioner has challenged the rejection order passed by the respondent Board before the Division Bench of this Court in W.P.No. 4160 of 2016 and subsequently before the Hon'ble Supreme Court in SLA.No. 18472 of 2017 and the same were dismissed by orders dated 04.02.2016 and 22.09.2017 respectively and as such the said order has become final. Therefore, as rightly submitted by the learned Additional Advocate General, this writ petition cannot be entertained and the petitioner is not entitled for the appointment as prayed for.

7. In view of the above, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

mrn

To

- 1.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004.
- 2.The Deputy Inspector General of Police,
Vellore Range,
Anna Salai, K.K. Nagar, Thorapadi,
Palavansathu - 632 001.
- 3.The Chairman,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioners' Office,
Pantheon Road, Egmore, Chennai.
- 4.The Superintendent of Police - Vellore,
NH- 46, Phase 1, Sathuvachari,
Vellore District - 632 012

+1cc to the Government Pleader Sr.No.33622

W.P.No.12874 of 2022

SR(CO)

RVM(20/06/2022)