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W.P.No.16757 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P.No.16757 of 2021
and
W.M.P.No.17721 of 2021**

C.Dilip Kumar

... Petitioner

Vs.

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

2.The Member Secretary,
Tamilnadu Uniformed Services,
Recruitment Board,
Anna Salai, Chennai - 600 002.

3.The Deputy Inspector General of Police,
Vellore Range,
Vellore District,
Vellore.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order passed by the third respondent vide proceedings dated 02.06.2021 in proceedings Na.Ka.No.A2/5178/2021 and to quash the same as illegal and to consequently direct the respondents



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to appoint in the post of Sub-Inspector of Police (Taluk, AR and TSP), (Men, Women and Transgender) 2019 in par with the appointees appointed vide Notification of the respondents for the year 2019 with necessary pay and all monetary benefits.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 02.06.2021 passed by the third respondent under which the petitioner's request for issuance of appointment order for the post of Sub-Inspector of Police in his favour on par with the other appointees appointed vide notification of the respondents for the year 2019 has been rejected.

2. According to the petitioner, he was provisionally selected to the post of Sub-Inspector of Police. He claims that he was called for the interview and had participated in the same, but, thereafter, he was informed that the appointment orders cannot be issued in his favour since he was



involved in a criminal case.

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3. The petitioner has challenged the impugned order dated 02.06.2021 on the ground that the petitioner has been acquitted in the criminal case which was the basis for the respondents for rejecting the petitioner's request for issuance of appointment order based on the selection to the post of Sub-Inspector of Police.

4. The petitioner has filed a copy of the application for common recruitment 2019 to the post of Sub-Inspector of Police dated 27.03.2019 to show that he has not suppressed the fact that he was involved in a criminal case. The petitioner has also filed a copy of the Judgment dated 01.11.2019 passed in C.C.No.351 of 2018 along with this Writ Petition to show that he was acquitted in the criminal case by virtue of the aforementioned order. However, as seen from the impugned order dated 02.06.2021, the contentions of the petitioner that have been raised in this Writ Petition have not been considered. The third respondent has not considered the fact that the petitioner has been acquitted of the criminal offence by the Judgment of the Criminal Court dated 01.11.2019 passed in C.C.No.351 of 2018.



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5. The petitioner's request for issuance of appointment order in his favour has been rejected solely on the ground that the petitioner is involved in a criminal case. Since, the said criminal case has now ended in acquittal subsequent to the selection of other appointees to the post of Sub-Inspector of Police, the petitioner's case with regard to issuance of appointment order in his favour will have to be re-considered by the respondents.

6. The respondents while re-considering the petitioner's case, will have to take into consideration the application dated 27.03.2019 wherein the petitioner had applied to the post of Sub-Inspector of Police and wherein the petitioner has disclosed that he was involved in a criminal case and also the third respondent will have to take into consideration the Judgment of the Criminal Court dated 01.11.2019 passed in C.C.No.351 of 2018 wherein the petitioner has been acquitted, while passing the final orders after re-considering. Therefore, necessarily the impugned order has to be quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.



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7. In a similar matter in W.P.No.17460 of 2021 involving the petitioner himself when he applied for the post of Police Constable in a different recruitment notification, his application was rejected only on the ground that he was involved in a criminal case which later ended in acquittal, this Court had quashed the said impugned order also and had remanded back the matter for fresh consideration on merits and in accordance with law.

8. For the foregoing reasons, the impugned order dated 02.06.2021 is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law with regard to the petitioner's request for issuance of appointment order in his favour for the post of Sub-Inspector of Police, within a period of twelve weeks from the date of receipt of a copy of this order. While passing the orders, the third respondent shall take into consideration the application dated 27.03.2019 submitted by the petitioner as well as the Judgment dated 01.11.2019 in C.C.No.351 of 2018 passed in favour of the petitioner wherein he has been acquitted.



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9. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
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To

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2.The Member Secretary,
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ABDUL QUDDHOSE. J.,

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