



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice A.D.JAGADISH CHANDIRA

W.A.No.2046 of 2021
and C.M.P.No.13025 of 2021

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

2.The Superintendent of Police,
Nagapattinam District.

.. Appellants/
Respondents

Vs

K.Sneha

.. Respondent/Petitioner

Appeal preferred under Clause 15 of Letters Patent against
the order dated 06.10.2020 made in W.P.No.10788 of 2020.

Prayer in WP.No.10788 of 2020:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus Calling for the records of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.No.F1/5482/2019 dt 13.03.2020 and quash the same and direct the respondents to appoint the petitioner as Grade-II Woman Police Constable in the Tamil Nadu Police Subordinate Service and send her for training and grant such other further relief.

For Appellants : Mr.Abishek Murthy
Government Advocate

For Respondent : Mr.N.G.R.Prasad
for M/s.Row & Reddy



JUDGMENT
(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 06.10.2020 recorded on W.P. No.10788 of 2020. This appeal is by the respondents/ State Authorities.

2. Learned Government Advocate has vehemently submitted that there was suppression of fact on behalf of the writ petitioner about the criminal case and therefore denial of appointment to her by the State can not be said to be illegal or arbitrary in any manner and therefore, the learned single Judge in the facts like this ought not to have granted any relief to the original writ petitioner. Learned Government Advocate has also submitted that the writ petitioner had pleaded guilty. It is submitted that this appeal be entertained.

3. Mr.N.G.R. Prasad, learned advocate for the respondent/ original writ petitioner has drawn the attention of this Court to the fact that the alleged offence was a family dispute between the daughter-in-law and other female members of the family where the writ petitioner was the sister-in-law, who had hardly attained the age of even majority at the relevant time and such social dispute could not have any bearing on the public employment. It is submitted that exercise of discretion by learned single Judge is not an error which would call for any interference under Clause 15 of Letters Patent. It is submitted that this appeal be dismissed.

4. Having heard the learned advocates for the respective parties and having considered the material on record, this Court finds as under:

4.1 The very foundation of denial of appointment to the writ petitioner, even as per the State, was suppression of some criminal proceedings. The said proceeding is the dispute between two sisters-in-law of one family where the mother of the present writ petitioner was also one of the accused.

4.2 It is also not in dispute that the original writ petitioner at the relevant time had hardly attained the age of even majority.

4.3 We find that even in exercise of powers under Section 482 Cr.P.C., discretion could have been exercised in the present case and in any case the discretion exercised by learned single Judge under Article 226 of the Constitution of India, in the facts of this case, can not be said to be erroneous in any



manner, which may call for any interference in exercise of power under Clause 15 of Letters Patent.

4.4 The fact that the writ petitioner had pleaded guilty would further tilt balance in favour of the writ petitioner and against the State to point out that this was a clear social dispute amongst female members of one family.

5. For the above reasons, the writ appeal is dismissed. No costs. Connected miscellaneous petition would not survive.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi/63

To,

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

2.The Superintendent of Police,
Nagapattinam District.

+1 cc to M/s.Row & Reddy, Advocate Sr.NO. 38347
+1 cc to State Government Pleader Sr.NO.38347

W.A.No.2046 of 2021

SSN(CO)
A.SK(06/07/2022)