



WEB COPY



W.P. No.30103 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.30103 of 2022
and
W.M.P. No.29528 of 2022

K.Suresh

Vs

... Petitioner

1. The Under Secretary,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road,
Delhi 8.

2. The Regional Director,
Staff Selection Commission (SR),
2nd Floor,
EVK Sambath Building,
College Road,
Chennai – 6.

3. Assistant Director (Recruitment),
Ministry of Home affairs,
O/o Director General,
Saharasa Seema Bal,
East Block
V.R.K. Puram,
New Delhi – 66.



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4. The Commandant,
51, Bn SSB, Sitamarhi – II,
Industrial Area,
Rajapatti,
Sithamarhi,
Bihar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in No.14/12/2017-C-1/2, dated 28.06.2017 on the file of the 1st respondent and consequential show cause notice of the 4th respondent in No.429/51stBn/SSB/E-1/Misc/2022/23020, dated 06.10.2022 and quash the same.

For Petitioner	...	Mr.M.Muruganantham
For Respondents	...	Mr.M.Karthikeyan, CGSC.

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.M.Karthikeyan, learned Central Government Standing Counsel accepts notice for the respondents.

3. This writ petition has been filed challenging the communication dated 28.06.2017 sent by the 1st respondent to the 2nd respondent under



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which, the petitioner's selection to the post of Constable has been questioned.

4. According to the petitioner, as seen from the impugned proceedings of the first respondent dated 28.06.2017 and the consequential show cause notice, dated 06.10.2022, a revised selection list has been published which reveals that the petitioner has not been selected to the post of constable. However, according to the petitioner, even as early as in the year 2012 itself, he has been appointed as a Police Constable. In such circumstances, he has challenged the impugned Communication, dated 28.06.2017 on the ground that the same has been issued arbitrarily and illegally and without any notice to him. Pursuant to the impugned Communication, dated 28.06.2017, a show cause notice has also been issued to the petitioner on 06.10.2022, wherein, the petitioner has been called upon to submit his explanation, within a period of thirty days from the date of receipt of the said show cause notice as to why action should not been taken against him for dismissal from his service. The petitioner has not enclosed a copy of the reply sent to the show cause notice dated 06.10.2022, though the learned counsel for the



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petitioner would now submit that a reply has already been sent. While that be so, the question of entertaining this writ petition and granting any interim order in favour of the petitioner will not arise. Being a show cause notice, the question of challenging the same will not arise, considering the averments contained in the affidavit filed in support of this writ petition. However, the petitioner's interest will have to be protected till final orders are passed by the respondents pursuant to the reply / explanation submitted by the petitioner to the show cause notice dated 06.10.2022.

5. For the foregoing reasons, this writ petition is disposed of by directing the 4th respondent to pass final orders on merits and in accordance with law, pursuant to the issuance of show cause notice dated 06.10.2022 issued by them after giving due consideration to the explanation submitted by the petitioner and after affording a fair hearing including granting one personal hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7. Till final orders are passed, no coercive steps shall be taken by the respondents against the petitioner.

14.11.2022

Index: Yes/ No
Internet : Yes / No
Speaking Order/Non-speaking Order
vsi2

To
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3. The Assistant Director (Recruitment),
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O/o Director General,
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East Block
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4. The Commandant,
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