



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3821 of 2022

WEB COPY
S.Ramuthai

... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
St.George Fort,
Secretariat,
Chennai-9.
2. The Director General of Police,
Chennai.
3. The Additional Director General of Police,
(Administration),
Chennai.
4. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
5. Balu @ Balasubramanian

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to consider the petitioner's representation, dated 26.01.2022 while considering the candidature of the 5th respondent for appointment to the post of Tamil Nadu Special Police, pursuant to the notification dated 17.09.2020, by the Member Secretary, Tamil Nadu Uniform Service.

For Petitioner	: Mrs.S.Prabha for Mr.A.K.Baskarapandian
For R1 to R4	: Mr.A.K.Manikkam Special Government Pleader
For R5	: Mr.I.Pinaigash

ORDER

The relief sought for in the present writ petition is to direct the fourth respondent to consider the petitioner's representation dated 26.01.2022, while considering the candidature of the 5th respondent for appointment to the post of Tamil Nadu Special Police, pursuant to the notification dated 17.09.2020, by the Member Secretary, Tamil Nadu Uniform Service.



2.The learned Special Government Pleader appearing for the respondents 1 to 4 made a submission that the fifth respondent was selected. However, during the subsequent verification of antecedents and character in accordance with the rules, the authorities found that two criminal cases were registered against the fifth respondent. Therefore, the competent authority has not issued any order of appointment in favour of the fifth respondent.

3.Thus, it is made clear that the fifth respondent was not appointed on account of fact that two criminal cases were pending against him. Further, it is brought to the notice of this Court that the name of the fifth respondent was subsequently deleted from the criminal proceedings. However, the eligibility and suitability is the administrative prerogative of the Selection Committee and verification of character and antecedents must be done in consonance with the rules in force, as the selection is for appointment to uniformed service. If at all the fifth respondent is eligible, he is at liberty to participate in the ensuing process of selection.

4.With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Home Secretary,
Government of Tamil Nadu,
St.George Fort,
Secretariat,
Chennai-9.
2. The Director General of Police,
Chennai.
3. The Additional Director General of Police,
(Administration),
Chennai.



4. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

+1 CC to M/s.A.K. BASKARAPANIAN, Advocate (SR-16788[F] dated
06/04/2022)

+1 CC to M/s.SPL.GP (SR-17020[F] dated 06/04/2022)

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