



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.03.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
W.P. (MD)No.4766 of 2022

P.Pasumpon Lingam

... Petitioner

vs

1. The Tamil Nadu Uniformed Services
Recruitment Board,
represented by its Chairman,
Having Office at Old Commissioner of
Police Office Campus,
Pantheon, Egmore,
Chennai - 600 008.

2. Director General of Police (Law and Order) ,
O/o/ Director General of Police,
Beach Road,
Chennai.

3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent vide proceedings C.No.Estt.II(1)/26200/2020-8, dated 23.02.2022 and quash the same as illegal as devoid of merits and direct the respondents to consider the petitioner's candidature for the post of Grade-II Police.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.Veera Kathiravan

Additional Advocate General

Assisted by Mr.A.K.Manikkam

ORDER

The petitioner has filed this writ petition to quash the impugned order, dated 23.02.2022 and direct the respondents to consider the petitioner's candidature for the post of Grade-II Police.

2. The brief facts of the case are that the petitioner participated in the common recruitment notification for the post of Police Constable Grade II, Jail Warder (Grade II Jail Police), Fireman in Fire Service and Rescue Department, vide notification, No.1 of 2020 dated 17.09.2020. The petitioner has successfully



completed written and physical test conducted by the Tamil Nadu Uniform examination. While the petitioner was waiting for the appointment order, it came to the knowledge of the petitioner that his candidature was rejected, vide order, dated 23.02.2022. The impugned order states that the petitioner has involved in a criminal case in Cr.No.245 of 2019 on the file of Sayalkudi Police Station, Ramanathapuram and the petitioner was arrayed as accused No.1.

3. The contention of the petitioner is that he was not involved in the criminal case when his application was submitted and he has not suppressed his involvement in the criminal case. The criminal case was registered against the petitioner and ten others on 13.11.2019 in Cr.No.245 of 2019, which is a counter case for the complaint registered in Cr.No.244 of 2019 on the file of Sayalkudi Police Station. The allegation against the petitioner is that he has not disclosed the fact of criminal case when he applied for the post.

4. The contention of the petitioner is that when he submitted his application, he was not having the knowledge of this criminal case at all. The petitioner was not called for any enquiry, therefore, he was under the impression that there was no criminal case at all. Later on the Crime No. 245 was closed as mistake of fact in the final report dated 30.07.2021. The petitioner submitted a representation and the same was considered and it was rejected, vide impugned order. The contention of the petitioner is that his explanation was not considered by the respondents.

5. On perusing the impugned order it is seen that the respondents have not considered the closure of the FIR in Crime No. 245 as mistake of fact. Therefore, this Court is of the considered opinion that the contention of the petitioner ought to be considered by the respondents. Therefore, this Court set aside the impugned order and directing the respondents to consider the petitioner's representation and all the relevant files including CD files and pass a speaking order. If the petitioner is otherwise eligible, the petitioner's candidature shall be considered for the services. The said exercise shall be complete within four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

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O/o/ Director General of Police,
Beach Road,
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3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-13377[F] dated 22/03/2022)

+1 CC to M/s.SPL GP (SR-13483[F] dated 22/03/2022)

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SP(CO)
KB(08.04.2022) 3P 6C