



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.04.2022

CORAM:

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

W.P(MD)No.6353 of 2019

WEB COPY

Sivaprakash

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniform Services and Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.

2.The Director General of Police,
O/o.The Director General of Police,
Chennai-600 004.

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

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings bearing Na.Ka.No.A2/41600/2018 dated 06.12.2018 and quash the same with a consequential direction directing the respondents to issue appointment order and training to the petitioner to the post of Grade II Police Constable/Jail Warden/Fire Servicemen for the year 2017-2018.

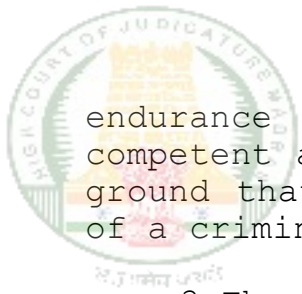
For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General
Assisted by Mr.A.K.Manikkan,
Special Government Pleader

ORDER

The order of rejection rejecting the candidature of the writ petitioner for selection to the post of Grade-II Police Constable, is under challenge in the present writ petition.

2.The petitioner participated in the process of selection. The petitioner was succeeded in the written examination and he was allowed to participate in the physical verification test and



endurance test. At the time of verification of documents, the competent authority rejected the case of the writ petitioner on the ground that he has suppressed the facts regarding the registration of a criminal case.

3.The learned Special Government Pleader appearing for the respondents made a submission that the petitioner suppressed the fact regarding the registration of a criminal case against him in both at the time of filing the application and at the time of verification of documents. Thus, his case was rejected.

4.The learned counsel for the petitioner contended that the petitioner was a juvenile, at the time of registration of a criminal case. In respect of such juvenile offender, the authorities have to consider the circumstances independently. The nature of offences and other litigant factors are also to be considered by the authorities while rejecting the candidature. No doubt, suppression of fact is a ground to reject the application. In view of the fact that the authorities competent had not considered the case of the petitioner, taking note of the fact that he was a juvenile at the time of registration of a criminal case, this Court is of an opinion that the case is to be remanded back. All those facts deserve to be considered and speaking orders to be passed taking note of these facts. However, assessment of suitability, eligibility and antecedents by the authorities became final. While considering the fact regarding the juvenile offender, the eligibility and suitability criteria are also to be considered with reference to the rules in force.

5.Thus, the matter is to be remanded back for reconsideration for the purpose of considering the facts that the petitioner was a juvenile, at the time of registration of a criminal case. Accordingly, the order impugned passed by the third respondent in Na.Ka.No.A2/41600/2018 dated 06.12.2018, is quashed and the matter is remanded back to the third respondent for the purpose of fresh consideration and for taking a decision and pass appropriate speaking orders on merits and in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Chairman,
Tamil Nadu Uniform Services and Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai-600 008.

2.The Director General of Police,
O/o.The Director General of Police,
Chennai-600 004.

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

+1 CC to M/s.V. MUTHUKAMATCHI, Advocate (SR-18084[F] dated
12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18836[F] dated 13/04/2022)

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MGJ(28.04.2022) 3P 6C