



W.P(MD)No.21143 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21143 of 2022

and

W.M.P.(MD)No.15357 of 2022

T.Saravana Kumar

... Petitioner

Vs.

1.The Director General of Police,
Office of Director General of Police,
Santhome, Chennai 600 005.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of 2nd respondent in C.No.A2(1)/46818/2021 dated 13.8.2022, quash the same and consequently direct the respondents herein to consider the appointment of the petitioner as Fireman / Gr.II Police Constable / Gr.II Jail Warder.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader



W.P(MD)No.21143 of 2022

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2. The petitioner is an aspirant for the post of Police Constable Grade-II. He applied in response to the recruitment notification issued by TNUSRB in the year 2020. He was successful in all the tests. Only by the impugned order dated 13.08.2022, he was informed that he stood disqualified. Questioning the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and grant relief as prayed for.

4. I am not in a position to grant relief to the writ petitioner. As rightly submitted by the learned Additional Advocate General, the petitioner was involved in two criminal cases namely Crime No.381 of 2015 & Crime No.150 of 2015 on the file of the Sethur Police Station. Crime No.381 of 2015 was quashed only based on the compromise between the parties in CrI.O.P.(MD)No. 1627 of 2021.



W.P(MD)No.21143 of 2022

5. Rule 14(b) of Tamil Nadu Special Police Subordinate Service Rules is as follows:-

Rule 14(b): No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority that

(i) that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service and

(ii) that his character and antecedents are such as to qualify him for such service and

(iii) that such a person does not have more than one wife living.

(iv) that he has not involved in any criminal case before police verification.

Explanation (1): A person who is acquitted or discharged on benefits of doubt or due to the fact that the complainant turned hostile shall be treated as person involved in a criminal case.

Explanation (2): A person involved in a criminal case at the time of police verification and the case yet to be disposed of and subsequently, ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in a criminal case and he can claim right for appointment only by participating in the next recruitment.

6 I had held in CrI.O.P.(MD)No.1445 of 2022 that if a case is quashed based on the compromise between the parties, it will be treated as if the candidate got discharged because the complainant turned hostile and Explanation I to the aforesaid statutory Rule would be pressed into service.



W.P(MD)No.21143 of 2022

7. For the reasons set out in CrI.O.P.(MD)No.1445 of 2022, the order impugned in the writ petition is sustained. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.11.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Director General of Police,
Office of Director General of Police,
Santhome, Chennai 600 005.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.



WEB COPY



W.P(MD)No.21143 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.21143 of 2022

01.11.2022