



W.P(MD)No.22940 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22940 of 2022

and

W.M.P.(MD)No.17045 of 2022

Y.Selvakumar

... Petitioner

Vs.

1.The Director General of Police,
O/o. The Director General of Police,
Chennai – 4.

2.Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Chairman,
Chennai – 8.

3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

4.The Superintendent of Police,
O/o.The Superintendent of Police Office,
Thoothukudi 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 pertaining to the impugned order in Na.Ka.No.A2/11543/2019 dated 13.07.2021 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to appoint the



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petitioner in the post of Sub-Inspector of Police (Armed Reserve) within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy.

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by Mr.A.K.Manikkam,
Spl. Government Pleader.

ORDER

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

2.The writ petitioner is presently serving as Grade-II Police Constable. He is an aspirant for the post of Sub Inspector of Police. He took part in the recruitment process held by the respondent board for the post of Sub Inspector of Police for the year 2019. The petitioner was successful in all the tests. However, he was informed by the impugned memorandum that he was disqualified on account of involvement in a criminal case. Questioning the same, the present writ petition has been filed.



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3.The learned counsel 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 set aside the impugned order and grant relief as prayed for.

4.The learned Additional Advocate General submitted that when the writ petitioner's case was taken up for consideration, the criminal case was still pending and it ended in acquittal only subsequently. He also would point out that the culmination of the criminal case was on account of the witnesses turning hostile. He called upon this Court not to interfere with the impugned order.

5.I carefully considered the rival contentions and went through the materials on record. It is true that the petitioner was involved in Crime No.463 of 2016 registered on the file of Kenikari Police Station, Ramanathapuram District. The petitioner however made a disclosure about his implication in the said case, when he applied for the post of Sub Inspector of Police. Thus, the petitioner is not guilty of suppression. It is true that the case ended in acquittal only on 14.09.2021. The rejection order was passed on 13.07.2021. Now the only question that calls for consideration is whether on this account the petitioner can be disqualified. My attention is drawn to the memorandum dated



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17.12.2015 issued by the office of the Director General of Police, Chennai-4.

In Clause 8 of the said memorandum, it has been mentioned that the candidates involved in accident cases pending at the time of police verification if there was no suppression of fact could be considered. The said memorandum had been referred to and relied on by a learned Judge of this Court while granting relief in a batch of writ petitions (W.P.(MD)Nos.8072 of 2020 etc., batch, dated 09.04.2021).

6.In my view that the said decision is applicable to the present case. More than anything else, the petitioner is already an in-service candidate. The object of the statutory rule is keep out persons involved in criminal cases from entering the police force. When the petitioner is already working as Police Constable Grade-II and when the policy of the authority is that the persons involved in accident cases should not be considered disqualified, I have to necessarily grant relief to the writ petitioner.

7.In this view of the matter, the order impugned in the writ petition is set aside and the third respondent is directed to issue order appointing the petitioner in the post of Sub Inspector of Police within a period of six weeks from the date of receipt of a copy of this order. The counsel for the petitioner



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on instructions stated that petitioner's seniority and all other benefits in the post of Sub Inspector of Police will be counted from the date of joining in the post of Sub Inspector of Police pursuant to the order that to be issued by the third respondent. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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