



W.P(MD)No.23606 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23606 of 2022

and

W.M.P.(MD)Nos.17681 & 17683 of 2022

K.Anbalagan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniform Services Recruitment Board,
No.807, P.D.V Sengalvaraya Naicker Maligai,
Anna Salai,
Chennai-2.

2.The Director General of Police,
Kamarajar Salai,
Kailasapuram,
Mylapore,
Chennai-4.

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

... 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 of the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.A3/6816/2019-3 dated 19.05.2020 and quash the same and consequently directing the respondents to issue an order of appointment to the



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petitioner as Grade II Police along with the selected candidates in the notification year 2019-2020 with pay all other monetary and service benefits

For Petitioner : Mr.M.Pandian

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

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 took part in the recruitment process for the post of Police Constable Grade-II held in the year 2019. He was disqualified for being appointed by the impugned endorsement dated 19.05.2020. The disqualification order is put to challenge after a gap of more than two years. The petitioner was acquitted in the meanwhile vide Judgment dated 02.12.2021 in S.C.No.115 of 2019 on the file of the Assistant Sessions Judge, Ramanathapuram.



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3. The learned Additional Advocate General would contend that the petitioner cannot claim the benefit of acquittal that was rendered subsequent to passing of the disqualification order.

4. I do not want to go into the correctness of the said contention. Prima facie, I would take the view that the benefit of acquittal will relate back. In any event, a careful reading of the Judgment would show that witnesses turned hostile. 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.



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5. The petitioner's case would fall within the mischief of Explanation I. I cannot interfere. The order impugned in the writ petition is sustained. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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