



WEB COPY



W.P.No.13066 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD.,J

W.P.No.13066 of 2011

and MP No.1 of 2011

C.Murali

....Petitioner

Vs.

1. Director General of Police,
Chennai 600 004.

2. The Chairman Cum-Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Annasalai, Chennai 600 002.

3. The Superintendent of Police,
District Police Office,
Cuddalore District.

..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings No.Na.Ka.No.049742/Appointment/1(2)/2010-01 dated



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06.04.2010 and quash the same and consequently, direct the respondents herein to appoint the petitioner (Regn No.0600437) as Grade II Police Constable for the year 2008-2009 on par with his batch mates with all consequential service benefits within a time frame.

For Petitioner : M/s.G.Bala and Daisy

For Respondents : Mr.S.Ravi Kumar
Special Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the 1st respondent in his proceedings No.Na.Ka.No.049742/Appointment/1(2)/2010-01 dated 06.04.2010 and for a consequential direction to the respondents herein to appoint the petitioner (Regn No.0600437) as Grade II Police Constable for the year 2008-2009 on par with his batch mates with all service benefits within a time frame.

2. The case of the petitioner is that he has applied for the post of Grade II Police Constable for the year 2008 - 2009 in Tamil Nadu Uniformed Service Recruitment Board and assigned



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with Roll NO.0600437. The petitioner attended the written Test and Physical efficiency test and subsequently, he has been provisionally selected for appointment to the post of Grade II Police Constable. The grievance of the petitioner is that his appointment was rejected by the 1st respondent vide proceedings No.Na.Ka.No.049742/Appointment/1(2)/2010-01 dated 06.04.2010 on the ground that during police verification, it was found that a criminal case was pending against the petitioner in Crime No. 805 of 2002 for an offence u/s.294(b), 323 and 452 of IPC and charge sheet was laid in C.C.196 of 2006 before the learned Judicial Magistrate I, Cuddalore. Challenging the said rejection order, this writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that when he was studying in the school, a false case was registered against him and the same was ended up in acquittal and that the impugned order passed by the 1st



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respondent is illegal and therefore, prays for quashing of the same.

4. The learned counsel for the petitioner further relied upon the Division Bench judgement of this Court in WA No.3877 of 2019 in the case of **[C.Suredhar Vs.Director General of Police]** reported in **2019 6 CTC 465** and subsequently, followed by another Division Bench judgement in WA No.2367 of 2021, which is in favour of the petitioner. The learned counsel further submitted that he will submit a fresh representation to the 3rd respondent/ Superintendent of Police, Cuddalore District enclosing the relevant judgement and the same may be considered in accordance with law.

5. The learned Special Government Pleader vehemently opposed the contention raised by the learned counsel for the petitioner and submitted that the petitioner was acquitted by the Court below on the ground of benefit of doubt



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and further submitted that he suppressed the material fact of his involvement in criminal case at the time of filling up the Form and therefore, prays for dismissal of this writ petition.

6. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, this Court directs the petitioner to make a fresh representation to the 3rd respondent along with the above judgments and the same shall be considered and disposed of on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

23.03.2023

Internet: Yes/No
Index: Yes/No
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To

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