



W.P.No.32586 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32586 of 2022

&

W.M.P.No.31993 of 2023

R.Nethaji

...Petitioner

Vs

1. The Chairman

Tamil Nadu Uniformed Services Recruitment Board
Pantheon Road, Egmore
Chennai – 600 008

2. The Superintendent of Police

Krishnagiri District
Krishnagiri

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent herein in Na.Ka.No.A2/4010/2021 dated 25.12.2021, quash the same and direct the respondents herein to appoint the petitioner as Grade II Police Constable.



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For Petitioner : Mr.M.Rajeswaran
of M/s.Nathan & Associates

For Respondents : Ms.D.Sowmi Dattan
Standing Counsel for R1
Mrs.V.Yamuna Devi
Special Government Pleader for R2

ORDER

The petitioner herein had applied for the post of Grade II Police Constable pursuant to notification dated 17.09.2020. Thereafter, when the verification made by the Inspector of Police, District Special Branch, Krishnagiri District on 23.12.2021, it was found that the petitioner was involved in a criminal case in Cr.No.169 of 2021 registered on 01.06.2021 and which case had thereafter culminated into C.C.No.31 of 2021 on the file of District Munsif-cum-Judicial Magistrate, Court, Pochampalli. In view of the petitioner's involvement in the criminal case, his candidature was not accepted.

2. The learned counsel for the petitioner submitted that subsequently through a judgment dated 10.11.2022, the petitioner was honourably acquitted from the criminal case in C.C.No.31 of 2021 and



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therefore, there is no impediment for him to participate in the next recruitment process for which purpose he relied upon on sub-rule (3) of Rule 5B of Special Rules for Tamil Nadu Fire Subordinate Service. Sub-rule (3) of Rule 5B provides that no person shall be eligible for appointment to the Service by direct recruitment unless he satisfies the appointing authority that he has not involved in any criminal case before police verification. Explanation (2) to the said Rules states that when a person involved in a criminal case at the time of police verification and the case is yet to be disposed of and subsequently ended in honourable acquittal, he can claim right for appointment only by participating in the next recruitment. In view of Explanation (2) to Sub-Rule 3 of Rule 5b, the petitioner would be entitled for participation in the next recruitment process since he has been honourably acquitted from the criminal case.

3. Accordingly, it is hereby declared that Tamil Nadu Uniformed Services Recruitment Board shall not cite the pendency of criminal case lodged against the petitioner as a bar for participation in the next recruitment process that may be held.



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4. With the above observation, the writ petition stands closed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index:Yes
Speaking order
gpa

To

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Pantheon Road, Egmore
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Krishnagiri District
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M.S.RAMESH,J.

gpa

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