



W.A(MD)No.1267 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1267 of 2023

and

C.M.P(MD)No.9548 of 2023

1.The Director,
Tamil Nadu Fire & Rescue Services,
Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.

2.Tamil Nadu Uniformed Service Recruitment Board,
Represented by its Chairman,
Old Commissioner Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

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

4.The Superintendent of Police,
O/o.the Superintendent of Police,
Tenkasi District.

... Appellants/Respondents

Vs.

S.Tamilselvan

... Respondent/Writ Petitioner



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P(MD)No.24786 of 2022 dated 01.11.2022.

For Appellants :Mr.Veera Kathiravan,
Additional Advocate General, assisted by
Mr.M.Lingadurai,
Special Government Pleader

For Respondent :Mr.Aswing Rajasimman for
M/s.T.Lajapathi Roy & Associates

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.M.Lingadurai, learned Special Government Pleader, for appellants and Mr.Aswin Rajasimman for M/s.T.Lajapathi Roy & Associates, for respondent.

2. This writ appeal is directed as against the order, dated 01.11.2022, made in W.P(MD)No.24786 of 2022.

3. When the writ appeal is taken up for hearing today, it is reported that in similar batch of cases in W.A(MD)Nos.232 and 233 of 2023, this Court



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vide judgment, dated 08.03.2023, has disposed of the appeals with certain

directions. Relevant portion of the said judgment reads as follows:

“6.Both Mr.Aswin Raja Simman and Mr.Mohammed Imran appearing for the respondents would submit that the orders impugned in the writ petitions having been passed only based on Sub Rule 3, cannot be sustained. We are in agreement with the contention of the learned counsel for the respondents that the orders impugned in the writ petitions having been passed only based on Sub-Rule 3 cannot be sustained, since the Sub Rule 3 was introduced after the commencement of the selection process. However, we cannot, at the same time, preclude the employer from looking into antecedents of the persons, who are to be employed in the Uniformed Services in terms of Rule 5 B (1) and (2). Therefore, while affirming the orders in the writ petitions, we set aside the positive direction issued by the Writ Court to issue appointment orders to the petitioners. The Appointing Authority, namely, the Director of Fire and Rescue Services will consider the suitability of the petitioners in terms of Rule 5 B (1) (2) and take appropriate decision. Needless to state that the authority will examine the issue with an open mind and without being influenced by any of the observations made either by the Writ Court or by us in this Judgment. The authority will pass the orders within a period of 12 weeks from the date of receipt of a copy of this order.”



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4. The learned Additional Advocate General appearing for the appellants and the learned counsel appearing for the respondent/writ petitioner, have agreed that the same order can be passed in this writ appeal.

5. Therefore, the impugned order passed in the writ petition is modified in terms of Paragraph No.6 of the judgment, dated 08.03.2023 in W.A(MD)Nos.232 and 233 of 2023. The authority may pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

With the above observation, this writ appeal is disposed of.
No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
04.08.2023

Index : Yes / No
NCC : Yes/No

pm



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