



W.A(MD)No.362 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.362 of 2023
and
CMP(MD)No.3981 of 2023**

1. The Director,
Tamil Nadu Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-600 008.

2. The 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. The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukkottai District.

... Appellants

vs.

T.Vijayakumar

... Respondent

PRAYER : Appeal filed under Clause 15 of Letters Patent,
against the order dated 13.10.2022 passed in W.P(MD)No.21810 of
2022.



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For Appellants : Mr.Veera Kathiravan
Additional Advocate General assisted by
Mr.S.P.Maharajan
Special Government Pleader
For Respondent : Mr.P.Vetrivel for
M/s.Lajapathi Roy Associates

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

In a challenge to the very same judgment impugned in this appeal in W.A.(MD)No.232 and 233 of 2023, by a common judgment dated 08.03.2023, we had held 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



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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."

2. In view of the same, this Writ Appeal is also disposed of with the same directions. No costs. Connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
31.03.2023

Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
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JUDGMENT MADE IN
W.A(MD)No.362 of 2023
DATED : 31.03.2023