



W.P(MD)No.5125 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5125 of 2023

S.Vennila

... Petitioner

Vs.

1.The Home Secretary,
Tamil Nadu Government,
Secretariat,
Shankar Road,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

... Respondents

3.The Joint Commissioner,
St.Thomas Mount, South Chennai, Chennai.
(This Court vide order dated 23.03.2023 suo motu impleaded the
3rd respondent)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue No Objection Certificate for the purpose to attend the examination for recruitment of Sub Inspector of Police call for by the Tamil Nadu Uniform Service Recruitment Board based on his representation dated 24.01.2023.



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For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is presently working as Grade-I Police Constable at S1 Punitha Thomaiyar Police Station, Crime Branch, Chennai. The petitioner belongs to BC community. She wants to participate in the recruitment process for the post of Sub Inspector of Police. The petitioner is having necessary qualification. The petitioner however requires No Objection Certificate for submitting her application. The petitioner made a request. Since it has not been processed till date, the present writ petition came to be filed.

3. It appears that on account of the punishment suffered by the petitioner in the year 2013, issuance of No Objection Certificate is being withheld. Merely because the petitioner was vested with punishment some ten years ago, she cannot be withheld the issuance of No Objection Certificate for participating in the direct recruitment for the post of Sub Inspector of Police. That would be clearly contrary to the petitioner's fundamental right under Article 16 of the Constitution of India.



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4. The third respondent is directed to issue No Objection Certificate as sought for by the petitioner at the earliest so that the petitioner can upload her application for the post of Sub Inspector of Police and participate in the proposed recruitment process.

5. The Writ Petition is allowed. No costs.

23.03.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 28.03.2023.

To

1.The Home Secretary,
Tamil Nadu Government,
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Shankar Road,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
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3.The Joint Commissioner,
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