



WEB COPY



W.P.(MD).No.6371 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6371 of 2023

and

W.M.P.(MD).No.6027 of 2023

R.Karthi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Home Department,
Secretariat,
Chennai – 600 009.
- 2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai – 8.
- 3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai – 8.
- 4.The Director General of Police,
O/o. the Director General of Police,
Tamil Nadu,
Chennai – 600 004.



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5. The Superintendent of Police,
Thanjavur District,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fifth respondent in his proceedings C.No.A2/20000/2020 dated 16.03.2022 and quash the same as illegal and consequentially to direct the respondents to consider the petitioner for appointment to the post of Grade II-Police Constable in pursuant to the notification No.1/2020 dated 17.09.2020 within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail,
For M/s.Ajmal Associates.

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General-III,
Assisted by,
Mr.P.Balasubramaniam,
Special Government Pleader.

ORDER

This Writ Petition is filed challenging the order dated 16.03.2022, whereby, the petitioner's candidature for the post of Grade II-Police Constable was rejected.



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2. The petitioner had faced criminal proceedings in Crime No.191 of 2018 for the offences under Section 147, 148, 341, 353, 294(b), 506(2), 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, thereby causing damage to the public property and threatened the Village Administrative Officer. Since the FIR was pending against the petitioner, the respondents have rejected the petitioner's candidature and refused to grant appointment. The contention of the petitioner is that subsequently the petitioner had faced criminal trial in C.C.No.327 of 2022 on the file of Judicial Magistrate-II, Thanjavur and the same was ended acquittal vide judgment dated 14.02.2023. The respondents did not consider the petitioner's case based on the acquittal judgment. However, the respondents submitted that the petitioner has not submitted any representation to review the earlier order.

3. Therefore, this Court passes the following order:

(i) The petitioner is directed to submit a representation along with the acquittal order and the order passed by this Court to the respondents within a period of two (2) weeks from the date of receipt of a copy of this order.

(ii) Thereafter, the respondents shall consider the same in accordance to law within a period of eight (8) weeks therefrom.



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4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Principal Secretary,
The State of Tamil Nadu,
Home Department,
Secretariat,
Chennai – 600 009.
- 2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai – 8.
- 3.The Member Secretary,
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Old Commissioner of Police Office Campus,
Egmore, Chennai – 8.
- 4.The Director General of Police,
O/o. the Director General of Police,
Tamil Nadu, Chennai – 600 004.
- 5.The Superintendent of Police,
Thanjavur District, Thanjavur.



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S.SRIMATHY, J.

Nsr

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24.03.2023