



W.A(MD)No.657 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

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

**W.A(MD)No.657 of 2023
and
C.M.P(MD)No.5945 of 2023**

1.The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
No.807, P.D.V.Sengalvaraya Naicker Maligai,
Anna Salai, Chennai – 2.

2.The Deputy Director,
Fire and Rescue Services Department,
Rukkumani Lakshmipathi Salai,
Egmore, Chennai – 18.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

... Appellants/Respondents

-VS-

P.Karthick Kumar

... Respondent/Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 13.10.2022 made in W.P(MD)No.23573 of 2022.



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For Appellants : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by,
Mr.S.P.Maharajan,
Special Government Pleader

For Respondent : Mr.M.Pandian

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 13.10.2022 made in W.P(MD)No.23573 of 2022, the appellants/respondents have filed this writ appeal.

2. The issue that arises in this writ appeal is covered by our judgment in W.A(MD)Nos.232 and 233 of 2023, dated 08.03.2023 wherein we had upheld the right of the Department to conduct verification on the character and antecedents of the candidates under Rule 5B of the Tamil Nadu Fire Subordinate Service Rules (hereinafter referred to as “the Rules”).

3. In view of the same, the order of the Writ Court issuing a positive direction to appoint the respondent is set aside while we affirm the conclusion of the Writ Court on the prospectivity of Clause 2 of Rule 5B of the Rules. In



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the light of our conclusion, it will be open to the appellants to consider the character and antecedents of the candidates before appointing them in terms of 5B(1) and (2) of the Rules.

4. The writ appeal is disposed of with the above modification.
No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

NCC :Yes/No
Index :Yes/No
PM

To:

The Headmaster,
Bharathiyar Corporation High School,
Sellur, Madurai-2.



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L.VICTORIA GOWRI, J.

pm

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