



W.A(MD) No.611 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD) No.611 of 2022

C.Arunkumar

... Appellant

-VS-

1.The Director General of Police,
State Head Quarters Office,
Chennai – 4.

2.The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

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

4.The Inspector of Police,
Chathirapatti Police Station,
Madurai District.

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent against
the order dated 10.05.2019 made in W.P.(MD)No.12670 of 2018.



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For Appellant : Mr.R.Murugan

For Respondents : Mr.Veera Kathiravan,
Assisted by Mr.K.Balasubramani,
Special Govt. Pleader.

JUDGMENT

(Judgment of the Court was delivered by **D.KRISHNAKUMAR, J.**)

Challenging the order dated 10.05.2019 made in W.P.(MD)No. 12670 of 2018, the appellant has come forward with this writ appeal.

2. The appellant was selected for the post of Police Constable Grade II for the year 2017 and thereafter, his application was rejected by order dated 26.04.2018, on the ground that he was suppressed the information of involvement in criminal case in C.C.No.242 of 2013. As against the same, the appellant has filed a Writ Petition in W.P(MD).No. 12670 of 2018 and this Court, by order order dated 10.05.2019, dismissed the same. Hence, the appellant has filed a review application on 05.07.2019 in Rev.Apl.W.(MD)No.88 of 2021. The said review application was also dismissed by this Court on 21.10.2021. Challenging the aforesaid order passed in the review application, the appellant has



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filed an intra Court appeal in W.A.No.(MD)No.2105 of 2021. This Court by order dated 22.11.2021, dismissed the said writ appeal. Therefore, the appellant has now filed the instant writ appeal, challenging the order passed in W.P.(MD)12670 of 2018, dated 10.05.2019.

3. The learned counsel appearing for the appellant submitted that at the time of registration of FIR in Crime No.668 of 2012, the appellant was a juvenile and he has not completed 18 years. He further submitted that the learned Single Judge omitted to take note of the facts that the case registered against juvenile cannot be taken into consideration as involvement in criminal case and prior to the notification issued by the Government, the criminal case as against the appellant was ended in acquittal and therefore, the order of the learned single Judge warrants interference.

4. The learned Additional Advocate General appearing for the respondents submitted that challenging the order passed in the writ petition, the appellant has filed a review application in Rev.Apl.W.(MD)No.88 of 2021. The said review application was also dismissed by this Court on 21.10.2021. Challenging the aforesaid order passed in the



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review application, the appellant has filed an intra Court appeal in W.A.No.(MD)No.2105 of 2021. This Court, by order dated 22.11.2021, dismissed the said writ appeal without giving any liberty to the appellant to challenge the said order. He further submitted that now the appellant has filed the present writ appeal challenging the order passed by the learned single Judge in W.P.(MD)12670 of 2018, dated 10.05.2019 and therefore, this Writ Appeal is not maintainable and the same is liable to be dismissed.

5. We have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the records, it is seen that in the review application, this Court has considered the merits and rightly rejected the review application, holding that the appellant has not disclosed in the application form about the involvement of criminal case, from which he was acquitted, that acquittal was only based on the benefit of doubt. Challenging the same, the appellant has filed an appeal before this Court in W.A.(MD)No.2105 of 2021. The Division Bench of this Court



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dismissed the said writ appeal by holding that as the scope of the review itself is very limited, the same was rightly rejected and therefore, there is no merits to entertain the writ appeal. When there is a specific order has been passed in the aforesaid Writ Appeal, we are not inclined to entertain the present writ appeal.

7. Accordingly, the order passed by the learned Single Judge in W.P.(MD)No.12670 of 2018 is sustained and consequently, this Writ Appeal is dismissed. No costs.

[D.K.K., J.]

[R.V., J.]

04.01.2023

NCC : Yes / No

Index : Yes / No

vsm

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