



W.P(MD)No.13413 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13413 of 2023

and

W.M.P(MD)Nos.11329, 11331 & 11332 of 2023

K.Selvakumar

... Petitioner

Vs

1.Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai – 600 008.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent in Na.Ka.No. A4/9695/2023 dated 17.05.2023 and quash the same as illegal and consequently direct the respondents to select and appoint the petitioner for the post of Grade - II Police Constable in common recruitment for the post of Grade - II Police Constable, Grade II Jail Warder and Fireman 2022 within the time stipulated by this Court.



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For Petitioner : Mr.M.Kannan
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2. The petitioner is an aspirant for the post of Grade – II Police Constable. He took part in the recruitment process. Though he was successful in the tests, he was disqualified on the ground of his involvement in criminal case. Challenging the disqualification memorandum, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



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4. I am not in a position to grant relief to the petitioner. As rightly pointed out by the learned Additional Advocate General, the petitioner figured as an accused in Crime No.181 of 2014 registered on the file of Pavoorchathiram Police Station. It was taken on file in C.C.No.151 of 2017 on the file of Judicial Magistrate Court, Tenkasi. The case ended in acquittal as early as on 18.09.2017. A reading of the judgment would indicate that the prime witnesses turned hostile and that is how the petitioner secured acquittal.

The relevant service rule is as follows: Rule 13 of TNPSS reads as follows:

“Extract of Rule 13 of Special Rules for TNPSS (For Taluk and AR Candidates)

13.Qualifications :

No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority.

(a) that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service

(b) that his character and antecedents are such as to qualify him for such service

(c) that such person does not have more than one wife living or if such person is a Woman, that she is not married to any person who has a wife living, and

(d) that he does not have knock knees or bow legs or flat feet,

(e) that he has not involved in any criminal case before Police Verification



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Explanation (1): A person who is acquitted or discharged on the benefit of doubt or due to the fact that the complainant turned hostile shall be treated as a person involved in a criminal case.

Explanation (2): A person involved in criminal case at the time of Police verification and the case yet to be disposed of and subsequently ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in a criminal case and he can claim right for appointment only by participating in the next recruitment.”

Explanation (1) squarely hits the petitioner. The validity of the service rule was repeatedly put to challenge and was upheld on more than one occasion. The order impugned in this writ petition cannot be faulted on any ground.

5. This writ petition is dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

09.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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