



W.P.(MD).No.16786 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16786 of 2019

and

W.M.P.(MD).Nos.13385 and 13386 of 2019

C.Kanagarajkumar

... Petitioner

Vs.

- 1.The Lieutenant Colonel,
Training Officer,
For Group Commander,
NCC Group Head Quarters,
No.26, Vishalakshipuram,
V.P.R.Road,
Madurai – 625 014.
- 2.The Officer Commanding 2 (TN),
Medical COY NCC,
Medical College Campus,
Madurai.
- 3.The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.
- 4.The Headmaster,
Government Kallar Higher Secondary School,
Vikkiramangalam,
Madurai District.

... Respondents



W.P.(MD).No.16786 of 2019

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent vide his proceedings in 512/3/Pers dated 20.06.2019 and quash the same.

For Petitioner : Mr.A.Jayaramachandran

For R-1 and R-2 : Mr.K.Ashok Kumar Ram

For R-3 and R-4 : Mr.P.Thambidurai,
Government Advocate.

ORDER

This Writ Petition is filed challenging the impugned order dated 20.06.2019.

2. The petitioner is possessing M.A., B.Ed., M.phil qualification and was appointed as B.T.Assistant in Government Kallar High School, Perungamanallur through Teachers Recruitment Board in the year 2007. Subsequently, he was promoted as P.G.Assistant and transferred to various places. After promotion and transfer to Government Kallar Higher Secondary



W.P.(MD).No.16786 of 2019

School, Vikkiramangalam, the petitioner along with the fourth respondent herein took initiation to establish NCC unit. After processing the permission was granted, they started NCC unit at Unit No.94 in the year 2018 and the petitioner was appointed as Care Taker Officer. The said Care Taker post is a non-remunerative post.

3. Subsequently, on 29.11.2018, the petitioner submitted an application for promotion to the post of Associate NCC Officer. The petitioner was directed to submit a report from the local Police about the petitioner's antecedents. The petitioner has approached the third respondent Police Station, wherein the Inspector of Police was not available at that point of time. Immediately, the petitioner contacted the Superintendent at the Office of the second respondent, wherein, the second respondent stated that they are also having power to issue the verification of pendency of criminal cases. Therefore, the petitioner obtained NOC from the third respondent Police Station which was issued by the Sub-Inspector of Police attached to the third respondent Police Station. The Sub-Inspector of Police has attested and issued NOC on behalf of the third respondent Police. Subsequently, the petitioner attended the first interview at the first respondent Office and second interview at the



W.P.(MD).No.16786 of 2019

Directorate of NCC, Chennai. After the interviews, the petitioner was informed by the concerned authorities that he had successfully passed the interviews. However, the fourth respondent herein issued an online copy of the impugned order passed by the first respondent, wherein it is stated that since the petitioner had not followed the correct procedure for obtaining NOC from the Police authorities before appearing in the selection board, the petitioner's appointment as Care Taker Officer was also cancelled. The contention of the petitioner is that the petitioner was already appointed and serving as Care Taker Officer. The petitioner has attended the interview only for the promotive post of Associate NCC, if at all the respondents is declining to accept the NOC issued by the third respondent, they cannot grant the promotive post of Associative NCC Officer. But through the impugned order, the respondents have cancelled the original appointment of Care Taker Officer for the NCC Unit which is beyond their power.

4. However, the learned counsel appearing for the first and second respondents submitted that they received information from the third respondent official that the petitioner belongs to Ante Imperialist Movement (AIM). The learned counsel appearing for the third respondent submitted that FIR has been



W.P.(MD).No.16786 of 2019

registered against the petitioner in Crime No.166 of 2019 dated 28.01.2019,

wherein, the petitioner was described as “லியோ என்ற கனகராஜ்குமார் கள்ளர் பள்ளி ஆசிரியர் மற்றும் ஏகாதிபத்திய எதிர்ப்பு இயக்கத்தின் மாநில பொருளாளர்”

wherein, the petitioner is addressed as treasurer to the said Association. The learned counsel appearing for the third respondent submitted that the said Association is declared as “Unlawful Organization” under Unlawful Activities Prevention Act, 1967. The petitioner is also under the secret surveillance of the Police. Therefore, at this stage, the petitioner cannot seek the post in which he was already holding as NCC Care Taker Officer.

5. The learned counsel appearing for the petitioner objected such report submitted by the respondents.

6. This Court is of the considered opinion that if the petitioner is having such activities which is affecting the integrity of the country, this Court cannot issue positive direction to grant the post of Care Taker Officer. Therefore, the impugned order is kept in abeyance. It is made clear that the petitioner is not entitled to the post of Associate NCC. As far as the Care Taker Officer is concerned, the petitioner was not put to notice. Therefore, the respondents



W.P.(MD).No.16786 of 2019

shall issue notice to the petitioner. After issuing such notice, the reason shall be communicated to the petitioner why the said Care Taker Officer also cancelled.

The respondents shall issue notice and thereafter pass order appropriately in accordance to law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.06.2023

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



W.P.(MD).No.16786 of 2019

To
WEB COPY

- 1.The Lieutenant Colonel,
Training Officer,
For Group Commander,
NCC Group Head Quarters,
No.26, Vishalakshipuram,
V.P.R.Road,
Madurai – 625 014.
- 2.The Officer Commanding 2 (TN),
Medical COY NCC,
Medical College Campus,
Madurai.
- 3.The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.
- 4.The Headmaster,
Government Kallar Higher Secondary School,
Vikkiramangalam,
Madurai District.



WEB COPY



W.P.(MD).No.16786 of 2019

S.SRIMATHY, J.

Nsr

W.P.(MD).No.16786 of 2019

05.06.2023