



W.P.(MD).No.16879 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16879 of 2023

and

W.M.P(MD)No.14125 of 2023

P.Dhineshkumar

... Petitioner

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,
Dindigul,
Dindigul District.

4.The Insepctor of Police,
Vadamadurai Police Station,
Dindigul District.

... 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



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records pertaining to the impugned order passed by the third respondent in Na.Ka.No.A9/22111/344/2020, dated 09.01.2022 and quash the same as illegal and consequently direct the respondents 1 to 3 to issue appointment order to the petitioner to the post of Grade-II Police Constable for the year 2020.

For Petitioner : Mr.K.Ramanathan

For Respondents : Mr.P.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.A9/22111/344/2020, dated 09.01.2022 and quash the same as illegal and consequently direct the respondents 1 to 3 to issue appointment order to the petitioner to the post of Grade-II Police Constable for the year 2020.

2. Heard the learned Counsel for the petitioner and the learned Additional Advocate General, who is assisted by the learned Government



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Advocate for the respondents and carefully perused the materials available on record.

3. The petitioner applied for the post of Grade-II Police Constable on 01.10.2020. On successful completion of his written examination, he was directed to appear for the physical fitness examination on 28.07.2021. On the completion of physical measurement test, physical endurance test, physical efficiency test and original certificate verification, the petitioner was provisionally selected in the Final Provisional Selection List, dated 25.11.2021 and he was placed in serial No.260. While he was directed to appear for the medical test, he was informed that his selection was cancelled because two criminal cases were pending against him. However, the case in Crime No.951 of 2021, charge sheet was also filed and in the said case, the petitioner was acquitted and the another case in Crime No.953 of 2021 under Section 107 of the Criminal Procedure Code was also closed only after the passing of rejection order. In the meanwhile, the impugned order of rejection, dated 09.01.2022 came to be passed and challenging the same, this writ petition is filed.



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4. The learned Additional Advocate General for the respondents would submit that the petitioner had suppressed the fact that two criminal cases were registered as against him at the time of certificate verification and on that basis, the impugned rejection order came to be passed. He further stated that at the time of passing the said impugned rejection order both the criminal cases were pending.

5. However, at the time of hearing, the learned Counsel for the petitioner, submitted that Crime No.951 of 2021 ended in an acquittal and Crime No.953 of 2021 was a proceeding under Section 107 of the Criminal Procedure Code and hence, the same was closed. On that basis, he is entitled for appointment and on the basis of equity also he submitted before this Court that, he is entitled to get the impugned order quashed.

6. Second Explanation to Rule 13 of the Special Rules for Tamil Nadu Police Subordinate Service reads as follows:

“Explanation (2).- A person involved in a 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



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and he can claim right for appointment only by participating in the next recruitment.”

7. Since the said rule give space for a candidate, whose criminal case subsequently ended in honourable acquittal to be considered for participating in the next recruitment, this Court is inclined to direct the petitioner to make a fresh representation on that basis. On receipt of the said representation, the respondents are directed to consider the same on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above said observation, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

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