



Rev.Ap1c (MD) .No. 74 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.10.2023

PRONOUNCED ON : 19.10.2023

CORAM:

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

Rev.Application (MD).No.74 of 2023
in
W.A(MD).No.1496 of 2022

Balamurugan

...Review Petitioner

Vs

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

2.The Director General of Police/Director
Fire & Rescue Services
Chennai – 8

3.The Commissioner of Police
Madurai City
Madurai

....Respondents



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Prayer: Review Application is filed under Order 47 Rule 1 of C.P.C to review the order dated 10.01.2023 made in W.A(MD).No.1496 of 2022 on the file of this Court.

For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

J U D G M E N T

(Made by **R.VIJAYAKUMAR,J.**)

The review petition has been filed by the respondent in the writ appeal seeking to review the order dated 10.01.2023 in W.A(MD).No.1496 of 2022.

2.The review petitioner had applied for the post of Grade-II Firemen in the Tamil Nadu Uniformed Services for selection in the year 2020 and he was provisionally selected. However, his candidature was rejected due to his prior involvement in a criminal case. Challenging the same, the review petitioner had filed W.P(MD).No.10927 of 2022. The Writ Court found that the review applicant was implicated in a criminal case while he was a juvenile and the proceedings were terminated as per Rule 8-A(9) of Tamil Nadu Juvenile Justice (Care and Protection) Amended Rules 2012 by the Juvenile Justice Board,



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Madurai. The writ Court by an order dated 26.08.2022 allowed the writ petition.

Challenging the same, the Recruitment Board had filed W.A(MD).No.1496 of 2022.

3.The Writ Appellate Court disposed of the Writ Appeal with the following findings:

(i)In view of termination of criminal proceedings as against the review applicant, the Recruitment Board cannot reject the candidature of the review applicant on the ground that he was involved in a criminal case.

(ii)The character and antecedents of the candidate has to be verified for selection and therefore, the writ Court was not right in issuing a positive direction for appointing the writ petitioner and set aside the order of the writ Court.

(iii)The Recruitment Board was directed to consider the writ petitioner's candidature in the next selection process and the writ petitioner should not claim any seniority or other monetary benefits on par with other successful candidates who were selected in the year 2020.

4.Seeking to review the above said order, the present review petition has been filed.



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5.The learned counsel for the petitioner had contended that after having found that the petitioner should not be treated that he is involved in a criminal case, the Division Bench should have directed the Recruitment Board to appoint him in the current selection process itself. He had further contended that the review applicant is already 28 years old and he will be overaged for participating in the next selection process.

6.The learned counsel for the petitioner had relied upon the Division Bench Judgment in *Review Application No.17 of 2023 in W.A(MD).No.2759 of 2018 (The Superintendent of Police, Villupuram District Vs. S.Rajeshkumar) dated 01.03.2023*, in which the review application filed by the Superintendent of Police, Villupuram District was dismissed and he was directed to consider the appointment of the candidate on the ground that the Juvenile has been honorably acquitted by the High Court. In the present case, the authorities have not even filed a charge sheet and the proceedings were terminated by the Juvenile Justice Board. Hence, he seeks to review the order dated 10.01.2023.



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7.The learned Additional Government Pleader appearing for the respondent had contended that there is no error apparent on the face of the record warranting interference of this Court in the review petition.

8.We have carefully considered the submissions made on either side and perused the material records.

9.The criminal proceedings as against the petitioner have been terminated by the Juvenile Justice Board due to non filling of the charge sheet by the police officials in time. Therefore, we have held that the petitioner was not at all involved in any criminal case. We have directed the recruiting authority to consider his candidature in the next selection process. However, it is brought to the notice of the Court that the petitioner is already 28 years old and he would be overaged for the next selection process. That apart, on instruction, the learned Additional Government Pleader had submitted that though the selection for the year 2022 has already been completed, yet there are more than 500 vacancies.



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10. Considering these facts we are inclined to pass the following orders:

(i) The respondents are directed to appoint the review applicant as Grade-II Firemen, if otherwise eligible within a period of eight weeks from the date of receipt of a copy of this order.

(ii) All service benefits including the seniority of the review applicant will flow only from the date of his appointment.

(iii) This positive direction is issued only on the peculiar facts and circumstances of this case and it should not be cited as a precedent.

11. With the above said observations, this Review Application is allowed.

No costs.

(D.K.K.J.,)

(R.V.J.,)

19 .10.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

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**D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR,J.**

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Pre-delivery Judgment made in
Rev.Application (MD).No.74 of 2023
in
W.A(MD).No.1496 of 2022

19.10.2023