



W.P(MD)No.17843 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.17843 of 2023 and
WMP(MD).Nos.14925 and 14927 of 2023

Athinarayana Moorthi

...Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai – 600 004.

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

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

...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 records on the file of the 3rd respondent in connection with the



W.P(MD)No.17843 of 2023

impugned order of rejection passed by him vide his proceedings in Na.Ka.No.A5/47117/637/2023, dated 10.05.2023 and quash the same as illegal, arbitrary and consequently direct the respondents to appoint the petitioner in the post of Grade – II Police Constable (AR) for the year 2022 based on the provisional selection list published by the second respondent within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G. Thalaimuthurasu

For Respondents : Mr.P. Veera Kathiravan
Additional Advocate General
Assisted by Mr.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him vide his proceedings in Na.Ka.No.A5/ 47117/ 637 / 2023, dated 10.05.2023 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Grade – II, Police Constable (AR) for the year 2022 based on the provisional selection list published by the second respondent within a time stipulated by this Court.

2. Heard Mr.G. Thalai Muthurasu, learned counsel appearing



W.P(MD)No.17843 of 2023

for the petitioner, Mr. P.Veerakathiravan, learned Additional Advocate General appearing for the respondents and perused the materials available on record.

3. The petitioner has completed S.S.L.C., and he has enrolled in the District Employment Office, Thoothukudi. The second respondent issued advertisement and invited eligible candidates for the common recruitment to the post of Grade -II Police Constable (District/ City Armed Reserve and TSP), Grade-II Jail Warden and Fireman for the year 2022. The petitioner being fully eligible applied for the post and after verification, the second respondent issued Hall Ticker to the petitioner. The petitioner successfully completed written and physical tests and secured 88 marks and he was provisionally selected for the post of Grade – II, Police Constable (AR) for the year 2022 under Scheduled Caste (PSTM) category. While so, the third respondent issued an order of rejection, dated 10.05.2023 refraining from issuing an order of appointment to the petitioner. The reasons stated in the order of rejection made by the third respondent is that the petitioner had involved in a criminal case in Crime No.45 of 2015 for the offences under Sections 341, 294(b), 323, 506(i) IPC and Section 4 of TNPHW Act, 2002, in which, the



W.P(MD)No.17843 of 2023

petitioner was arrayed as A4 and the same was taken on file in C.C.No.192 of 2015 and acquitted on 06.01.2017 under Section 248(1) Cr.P.C., The petitioner had honestly disclosed about the criminal case and its acquittal in his application form at the time of applying for the post of Grade – II, Police Constable (AR) for the year 2022. Since the petitioner issued with an order of rejection, challenging the same the present Writ Petition came to be filed.

4. The learned learned Additional Advocate General drew my attention to Rule 13 of the Special Rules for Tamil Nadu Police Subordinate Service, which is extracted as follows:

Rule 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.

© 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

Explanation (1) :- A person who is acquitted or discharged on the benefit of doubt or due to the



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W.P(MD)No.17843 of 2023

fact that the complainant turned hostile, shall be treated as a person involved in a criminal case.

5. In terms of the explanation of Rule 13 it is clear that even a person is acquitted on benefit of doubt or due to the fact that the complainant turned hostile, then, such person shall be considered as a person involved in Criminal case and on that ground he will not be entitled to appointment. This will be squarely covered by that explanation and the petitioner in this case has been acquitted on benefit of doubt due to the hostility of witnesses and on that ground alone he is not entitled for any appointment.

6. This Court is fully in consonance with the submission made by the learned Additional Advocate General and accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

25.07.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17843 of 2023

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W.P(MD)No.17843 of 2023

L.VICTORIA GOWRI, J.,

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