



W.A.(MD) No.1856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **20.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1856 of 2023
and C.M.P.(MD) No.14189 of 2023

- 1.The Director,
Tamil Nadu Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
 - 2.The Tamilnadu Uniform Services Recruitment Board,
Represented by its Chairman,
Old Commissioner Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.
 - 3.The Director General of Police,
O/o. The Director General of Police,
Chennai – 4.
 - 4.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.
Appellants/Respondents
- ...

-Vs.-

K.Vetrivel

... Respondent/Writ Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 13.10.2022 made in W.P.(MD)No.21456 of 2022 on the file of this Court.



W.A.(MD) No.1856 of 2023

For Appellants : Mr.Veera Kathiravan,
Assisted by,
Mr.N.Satheesh Kumar,
Additional Government Pleader

For Respondent : Mr.P.Vetrivel
for M/s.T.Lajapathi Roy &
Associates

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The order dated 13.10.2022, passed in W.P.(MD)No.21456 of 2022, is under challenge in the intra-Court appeal, instituted by the State.

2. The issue mainly raised in the writ proceedings was that the rule applicable was amended after the commencement of the selection process and therefore, such a rule cannot be implemented retrospectively so as to affect the rights of the candidates who have submitted their applications based on the recruitment notification.

3. The issue raised is no more res-integra and the Division Bench of this Court in W.A.(MD) Nos.232 and 233 of 2023, dated 08.03.2023, considered the very same issue and passed the following order:-



W.A.(MD) No.1856 of 2023

WEB COPY

“6.Both Mr.Aswin Raja Simman and Mr.Mohammed Imran appearing for the respondents would submit that the orders impugned in the writ petitions having been passed only based on Sub Rule 3, cannot be sustained. We are in agreement with the contention of the learned counsel for the respondents that the orders impugned in the writ petitions having been passed only based on Sub~Rule 3 cannot be sustained, since the Sub Rule 3 was introduced after the commencement of the selection process. However, we cannot, at the same time, preclude the employer from looking into antecedents of the persons, who are to be employed in the Uniformed Services in terms of Rule 5 B (1) and (2). Therefore, while affirming the orders in the writ petitions, we set aside the positive direction issued by the Writ Court to issue appointment orders to the petitioners. The Appointing Authority, namely, the Director of Fire and Rescue Services will consider the suitability of the petitioners in terms of Rule 5 B (1) (2) and take appropriate decision. Needless to state that the authority will examine the issue with an open mind and without being influenced by any of the observations made either by the Writ Court or by us in this Judgment. The authority will pass the orders within a period of 12 weeks from the date of receipt of a copy of this order.

7.These Writ Appeals are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.”



W.A.(MD) No.1856 of 2023

4. In terms of the order referred supra, the present Writ Appeal stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S.J.] & [V.L.N.J.]
20.10.2023

NCC : Yes/No
Index : Yes/No
SJ

To

1. The Director,
Tamil Nadu Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
2. The Tamilnadu Uniform Services Recruitment Board,
Represented by its Chairman,
Old Commissioner Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.
3. The Director General of Police,
O/o. The Director General of Police,
Chennai – 4.
4. The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.



WEB COPY



W.A.(MD) No.1856 of 2023

S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

SJ

W.A.(MD) No.1856 of 2023

20.10.2023