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W.P.No.11784 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.11784 of 2014

M.U.Ponnurasu

... Petitioner

Vs.

The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the respondent in his proceedings Na.Ka.No.A2/24062/2013 dated 11.02.2014 and quash the same as illegal and further direct the respondent to appoint the petitioner in Tamil Nadu Special Police Tamil Nadu Police Special Youth Brigade (Male) 2013-2014.

For petitioner	: Ms.Fathima Hussain for M.Ravi
For respondent	: Mr.Vadivelu Deenadayalan Additional Government Pleader

ORDER



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This writ petition is filed seeking to quash the proceedings in Na.Ka.No.A2/24062/2013 dated 11.02.2014 and direct the respondent to appoint the petitioner in Tamil Nadu Special Police Youth Brigade (Male) 2013-2014.

2. The petitioner had passed S.S.L.C. in the year 1990 and applied for the post of Tamil Nadu Special Police Youth Brigade (Male) 2013-2014. The petitioner was called for written examination and also for physical examination. His name was found in the selection list. The respondent had sent a letter to the petitioner stating that he had passed his written and physical examination and was required to attend the medical examination which was scheduled to be held on 21.01.2014 and the petitioner participated in the said medical examination. But, the petitioner was not issued with any appointment order. Instead, the candidates who had appeared along with him were issued with appointment orders and hence, the petitioner addressed a representation to the respondent to consider him and appoint him in the Tamil Nadu Police Special Youth Brigade. The respondent has replied to the petitioner stating that the petitioner has been added as an accused in Crime No.253/2013 u/s



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147,148,294(b) & 341 IPC, pending on the file of Podhaturpet Police Station and hence the petitioner cannot be appointed for the said post.

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3. The learned counsel for the petitioner submitted that the petitioner obtained a copy of the First Information Report (FIR) and came to know that one Ponnurasu S/o Umapathi of Venkatapuram Colony, was the accused in Crime No.253 of 2013 but the petitioner's father name is M.S.Udhayan. Since the petitioner's name and the name of the accused in Crime No,253 of 2013 are identical, the respondent has wrongly construed as if the petitioner in Crime No.253 of 2013 and hence, sought for quashment of the proceedings dated 11.02.2014 in Na.Ka.No. A2/24062/2013.

4. The learned counsel for the petitioner, in his additional affidavit, has stated that the actual accused in Crime No.253 of 2013 has applied for anticipatory bail and the same was granted on 22.11.2013 in Criminal O.P.No.29355 of 2013. While so, on 31.10.2013 the petitioner was informed by the police authorities that the accused by name Ponnarusu S/o. Umapathy resident of Venatapuram colony, was absconding and suggested that it would be appropriate if the petitioner approaches the



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Judicial Magistrate Court, Tirutani to clarify that he is not the original accused. Further, the petitioner was instructed to surrender before the Court and obtain anticipatory bail and therefore the petitioner obtained the same. The petitioner had also submitted his representations to the Inspector of Police, Pothurpettai Police Station and Superintendent of Police, Thiruvallur District to issue appropriate instructions to the local police to trace the original accused and not to trouble him.

5. The respondent has filed counter affidavit stating that the petitioner had cleared the written examination and physical test. He was called for medical test too and conduct of police verification was due. While so, on police verification it was found that the petitioner was involved in a criminal act and was arrayed as an accused in Crime No.,253 of 2013 u/s 147,148,294(b) and 341 IPC and Section 2 and 3 of the TNPPD Act on 31.10.2013 at Podhaturpet Police Station and the same was sent as a reply to the petitioner's representation.

6. The learned Additional Government Pleader appearing for the respondent submitted that the petitioner had applied for anticipatory bail



before this Court in Criminal Original Petition No. 29355 of 2013 and the same was allowed on condition to surrender before the Judicial Magistrate, Thiruthani and he surrendered and was also released by accepting the petition signed by the petitioner. Though the petitioner has stated that he had not involved in any criminal activities he has applied for anticipatory bail before this Court, which clearly shows that he is one of the accused in the criminal proceedings and hence, sought for dismissing this writ petition.

7. The learned Additional Government Pleader submitted that the recruitment is of the year 2013-2014 and the same was completed 10 years ago and no vacancy pertaining to the said recruitment is vacant now. Once the recruitment for the year 2013-2014 has already been completed, the relief sought for by the petitioner becomes infructuous.

8. Heard both sides and perused the materials available on record.

9. The points for consideration are as to whether the petitioner was involved in the criminal case in Crime No.253 of 2013 and if so



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whether the petitioner can be directed to be employed in the Tamil Nadu Police Special Youth Brigade.

10. The contention of the petitioner is that the petitioner is not an accused in Crime No.253 of 2013. Since the actual accused name and the petitioner's name were the same, the police had wrongly arrayed the petitioner as an accused in the said case and the respondent has refused to provide job. Admittedly, the petitioner has applied for anticipatory bail and surrendered before the Court in Crime No.253 of 2013. If at all the petitioner is not an accused in the said Crime No. 253 of 2013, the petitioner should have filed an application under Section 482 of 18.07.2023 in W.P.No.19115 of 2021.Cr.P.C seeking for a direction to delete the his name or quash the said case against him. Moreover, he has obtained anticipatory bail, surrendered before the criminal court and facing the trial and only after completion of trial it will be clear as to whether the petitioner was the person against whom criminal case was registered.

11. The petitioner who is seeking for a job in the Police Department shall demonstrate that there is no criminal case registered



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against him. Since the petitioner is facing criminal case the respondent has rightly refused to consider the petitioner for the post of Tamil Nadu Police Special Youth Brigade.

12. Considering the above discussions, this writ petition is dismissed. However, the petitioner is at liberty to file an application for appointment in the Tamil Nadu Police Special Youth Brigade after dismissal of the criminal case. Costs made easy.

14.02.2024

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Internet : Yes/No
Index : Yes/No
Citation : Yes/No

Dr.D.NAGARJUN,J.

vca



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To:

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The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

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