



WEB COPY



W.P.No. 18779 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18779 of 2024

and

W.M.P.No. 20598 of 2024

1. R.Sriram

2. J.Siddharth

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Petitioners

Vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai – 600 009.

2. The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

3. The Additional Director General of Police,
Whannels Road,
Egmore – 600 008.

4. The Inspector of Prisons,
Whannels Road,
Egmore – 600 008.

5. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai – 600 009.

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Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue appointment orders to the petitioners, appointing them as Assistant Jailors (Men) as per our ranking and seniority in the merit list of the selection, which was made by the fifth respondent based on the notification dated 12.04.2023 in Advertisement No.657 and Notification No.9/2023, without reference to the involvement in the criminal cases, with all consequential benefits and to give them posting orders on par with and as given to others, who were selected along with them w.e.f. 01.07.2024, award costs.

For Petitioner	: Mr.V.Ajoy Khose
For R1 to R4	: Mr.Yogesh Kannadasan Special Government Pleader
For R5	: Mr.R.Bharanidharan Standing Counsel

ORDER

This Writ Petition has been filed for a direction directing the respondents to issue appointment orders to the petitioners to the post of Assistant Jailor (Men) as per their ranking and seniority in the merit list of the selection.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners applied for the post of Assistant Jailor (Men) as per the Notification issued by the fifth respondent dated 12.04.2023 in



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Prisons and Correctional Services Department. As per the notification, 54 vacancies were notified for men category and 5 vacancies for women category. The petitioners were qualified to apply for the said post and they had appeared for written examination. The first petitioner had secured 487.50 marks in both the papers and he was No.1 rank in both General category as well as Backward Community category. The second petitioner had secured 466.50 marks and his over-all merit rank was No.32 and his community rank was No.12. The petitioners were provisionally selected to the post of Assistant Jailor (Men) as per the communication of the fifth respondent dated 30.01.2024. Thereafter, they were called for certificate verification and their certificates were verified and they were found to be eligible to the post of Assistant Jailor (Men). They were also subjected for physical fitness and medical fitness. Thereafter, they were provisionally selected to the said post. However, they were not issued any appointment order so far.

4 . Therefore, the petitioners verified with the respondents and they were informed that the first petitioner involved in a criminal case registered in Crime No.237 of 2020 on the file of the Inspector of Police, Pappanadu Police Station, Thanjavur, for the offences under Section 270



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of IPC. A perusal of the FIR reveals that during the COVID-19 Pandemic circumstances, the first petitioner came out from his house and as such, an FIR has been registered as against him. Thereafter, the said FIR was closed as “Mistake of Facts”. Insofar as the second petitioner is concerned, he had involved in a criminal case in Crime No.149 of 2015 on the file of the Inspector of Police, Gudalur North Police Station, Theni District, registered for the offences under Sections 341, 294(b) and 506(2) of IPC. A final report has been filed and the same has been taken cognizance by the Judicial Magistrate Court, Uthamapalayam, in C.C.No.95 of 2016. It was ended in acquittal. All the allegations are civil in nature. The dispute is only with regard to reach across their respective land boundaries. In fact, the second petitioner had duly informed the same in his application and thereafter, he was permitted to write his examination. Now, both the petitioners were provisionally selected and they were not issued any appointment order.

5. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that though the second petitioner was acquitted from the criminal charge on the ground that the prosecution failed to prove the case, the benefit of doubt goes in favour of the accused.



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6. As stated supra, a perusal of the Judgment of acquittal passed in favour of the second petitioner is concerned, all the allegations are civil in nature that too the dispute is with regard to reach across their respective land boundaries. Therefore, the petitioners are eligible to be appointed to the post of Assistant Jailor (Men) as per their provisional selection list.

7. In view of the above, the respondents 2 to 4 are directed to issue appointment order to the petitioners as per their provisional selection list to the post of Assistant Jailor (Men) forthwith.

8. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

10.07.2024

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Lpp

Note : Issue order copy today i.e., on 10.07.2024



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To



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G.K.ILANTHIRAIYAN, J.

Lpp

1. The Principal Secretary,
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Fort St.George, Chennai – 600 009.
2. The Director General of Police,
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