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W.P. No.23889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. No.23889 of 2024

B. Sugumaran

Petitioner

Vs

1 The Managing Director
State Express Transport Corporation
Pallavan Salai
Chennai 600 002

2 The Divisional Officer
State Express Transport Corporation
Trichy

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent in connecting with the impugned order passed by the first respondent in proceedings bearing Ku.No.005550/MaVa3/TNSETC/2023 dated 27.07.2024 and quash the same and consequently, direct the respondents to appoint the petitioner as Driver-cum-Conductor on daily wage basis pursuant to the appointment order dated 14.03.2024 within a time frame.

For Petitioner

Mr. G. Ilamurugu

For respondents

Mr. L.S.M. Hasan Fizal
Standing Counsel



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ORDER

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This writ petition has been filed challenging the proceedings of the 1st respondent dated 27.07.2024 and for a consequential direction to the respondents to appoint the petitioner as Driver-cum-Conductor on daily wages.

2. The petitioner participated in the selection to the post of Driver-cum-Conductor conducted by the 1st respondent. The written test was conducted on 19.11.2023 through Annamalai University. The petitioner wrote the written examination. Thereafter, the petitioner was called for certificate verification on 08.01.2024. Subsequently, the petitioner also participated in the interview conducted on 22.01.2024.

3. The grievance of the petitioner is that three FIRs were registered against him and he was asked to get the status from the Court with respect to these three FIRs in Crime Nos.428/2010, 1781/2009 and 735/2009. The petitioner produced the relevant details available in the Tamil Nadu Police Web Portal, which show that all these three cases ended in filing referred charge sheet. The petitioner also got a police verification report, which is scanned and extracted hereunder :



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TAMIL NADU POLICE POLICE VERIFICATION REPORT To whomsoever it may concern					
Ref No.	: SF802400102498				
Date of Issue	: 22-04-2024				
This is to certify that Mr. SUGUMARAN S/o BALUSAMY is currently residing at 2/142, NETHAJI NAGAR, SAMATHUVAPURAM, ELAMBALUR, PERAMBALUR District, 621212. He is found to be involved in the following criminal case(s) as per the records available with Police department.					
S.No.	District	Police Station	Crime No.	Section of Law	Stage of the Case
1	PERAMBALUR	PERAMBALUR	428200	209, 188 - IPC	Adjud
2	PERAMBALUR	PERAMBALUR	1780200	200A1 - IPC	Adjud
3	PERAMBALUR	PERAMBALUR	710200	1130A, 1130B - CrPc	Adjud
Remarks of the Approving Authority : This person has involved three cases, this all cases is disposed.					
			 Issued by Tamil Nadu Police Department		
Disclaimer : 1. This is an authentic system generated report from the official website of TN Police (www.servicem.tnpolice.gov.in) and does not require signature. 2. The authenticity of the document can be verified by scanning the Bar code or through 'Verify' option on the website. 3. The verification has been conducted based on the records available with TN Police.					

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4. The further grievance of the petitioner is that in spite of producing the necessary documents before the respondents, the respondents were insisting for a formal order passed by the Court concerned. Since it was not submitted by the petitioner, his appointment itself was cancelled by the 1st respondent, through the impugned proceedings dated 27.07.2024. Aggrieved by the same, the present writ petition has been filed.

5. Heard Mr. G. Ilamurugu, learned counsel for the petitioner and Mr. L.S.M. Hasan Fizal, learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. In the considered view of this Court, the petitioner has already placed relevant materials to substantiate that all the three FIRs which were registered in 2009 and 2010 were closed by filing referred charge sheet. Further, the responsible authority viz., Tamil Nadu Police, has given a police verification report to that effect. While that being so, it is not possible for the petitioner to go to the Court and get an order at this length of time. That apart, the FIRs were registered for very minor offences.



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7. In view of the above, the impugned proceedings of the 1st respondent dated 27.07.2024, is hereby quashed. There shall be a direction to the 1st respondent to act upon the materials submitted by the petitioner and permit the petitioner to join duty for the post of Driver-cum-Conductor on the appointment given to him, if he is otherwise found eligible.

This writ petition is allowed with the above direction. No costs.

23.08.2024

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Index : Yes/No

Neutral Citation : Yes/No

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- 1 The Managing Director
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N. ANAND VENKATESH, J.

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