



WEB COPY



Writ Petition No.24636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24636 of 2024

R.Iyappan
S/o.Rajendran

... Petitioner

Vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-9.

2. The Superintendent of Police,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for records relating to the proceedings of the second respondent Endorsement dated 04.06.2024 in C.No.A2/0001/2024 and quash the same and direct the respondents to appoint the petitioner as Grade II Police Constable in the Tamil Nadu Police Subordinate Service and send him for training.

For Petitioner : Mr.P.Gopiraja

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
[R1 & R2]

ORDER



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This writ petition has been filed challenging the proceedings/endorsement of the second respondent dated 04.06.2024 and for a consequential direction to respondents to appoint the petitioner as Grade-II Police Constable in the Tamil Nadu Police Subordinate Service.

2. Heard Mr.P.Gopiraja, learned counsel for petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing for respondents 1 and 2.

3. The Tamil Nadu Uniformed Service Recruitment Board issued a notification dated 06.03.2019 for recruitment to the post of Grade-II Constable. The petitioner submitted his application on 30.03.2019. While submitting the application, the petitioner had specifically disclosed the fact that there is a pending criminal case against him in Crime No.414 of 2018, dated 14.10.2018 on the file of Inspector of Police, Marakkanam Police Station.

4. The further case of the petitioner is that he was allowed to participate in the written examination held on 08.11.2019. The petitioner



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cleared the same and he attended the physical measurement test and physical efficiency test held on 23.11.2019. The petitioner cleared those tests also and he was called for certificate verification. The petitioner was provisionally selected for the post of Grade-II Police Constable.

5. The police verification was held on 05.03.2020 and the second respondent, through proceedings dated 23.03.2020, refused to appoint the petitioner stating that the antecedents of the petitioner is not satisfactory in view of the pending criminal case in Crime No.414 of 2018.

6. The further case of the petitioner is that he filed a petition in CrI.O.P.No.20865 of 2023 seeking to quash the proceedings in C.C.No.25 of 2023 on the file of learned Judicial Magistrate II, Tinidivanam. This Court, by order dated 21.09.2023, on considering the nature of allegations and also of the fact that the entire incident had taken place in the spur of the moment, quashed the proceedings.

7. In view of the above development, the petitioner once again made a representation for considering his candidature. The second



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respondent, through proceedings/endorsement dated 04.06.2024, considering the fact that the criminal proceedings were quashed, came to a conclusion that the petitioner's candidature cannot be considered in the current recruitment of the year 2019 and that the petitioner can participate only in the next recruitment. Aggrieved by the same, the present writ petition has been filed before this Court.

8. In the case of ***The Director General of Police and others v. K.Indhu Kumar [W.A.(MD) No.938 of 2020 etc. batch, dated 05.06.2023]***, the Division Bench has categorically held that where the discharge or quashing of proceedings has taken place before police verification, the candidature can be considered during the current selection. If such discharge/quashing of proceedings takes place after the police verification, the candidature will be considered only during the next selection process.

9. The impugned proceedings/endorsement of the second respondent is perfectly in line with the judgment of the Division Bench. There is no ground to interfere with the same. Accordingly, it will be left open to the petitioner to participate in the next recruitment process, if he



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is otherwise eligible.

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In the result, this Writ Petition is dismissed. No costs.

28.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
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2. The Superintendent of Police,
Villupuram District.



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N.ANAND VENKATESH, J

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