



WP(MD) No.4504 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4504 of 2024

A.Arockiadoss

... Petitioner

/vs./

1.The Superintendent of Police,
District Superintendent Office,
Trichy-Pudukkottai Road,
Subramaniyapuram, Trichy.

2.The Inspector of Police,
Thiruverumbur Police Station,
Thiruverumbur, Trichy.

3.G.Ravi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to direct the second Respondent to conduct enquiry and initiate appropriate action against the third Respondent by considering the Petitioner's complaint dated 27.11.2023 within the time stipulated by this Court.

For Petitioner : Mr.D.Boopal

For Respondents : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)



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ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the second Respondent to conduct enquiry and initiate appropriate action against the third Respondent, by considering the Petitioner's complaint dated 27.11.2023.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner had paid Rs.12,00,000/-to the third Respondent for getting Government job to his son. He had paid the amount through Utkarsh Small Finance Bank. However, the Petitioner did not get the Government job for his son. Therefore, the Petitioner approached the third Respondent for refund of the money that he paid. Hence, the Petitioner lodged a complaint with Sevvapettai Police Station, Thiruvallur District. They directed the Petitioner to approach the Commissioner of Police, Chennai. The Petitioner approached the Commissioner of Police, Trichy and the Commissioner of Police directed the Petitioner to approach the Superintendent of Police, Trichy Rural. Therefore, the Petitioner had approached the Trichy Rural and through them the petition was forwarded to the second Respondent. Since the second Respondent had not taken any action based on the



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representation of the Petitioner dated 27.11.2023, the Petitioner was forced to file this Writ Petition seeking direction against the Respondents 1 and 2.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that the Commissioner of Police, Trichy City had forwarded the representation of the Petitioner to the Superintendent of Police, Trichy Rural. The Superintendent of Police, Trichy Rural had forwarded the petition to the second Respondent. The second Respondent had now opened the current paper. Now, he is ready to proceed with the enquiry.

4. From day in and day out, we come across similar petitions filed by educated employed people as complainants. The Tamil Nadu Public Service Commission notified the vacancies available in the Government Departments across the State for which competitive examination was held for the designated post of Group I, Group II, Group III, Group IV etc. The educated youth are seeking employment through touts, who are none other than middle men or workers in political parties. Day in and day out, we come across so many news items in print and electronic media, regarding fraudsters who are alleged to have cheated gullible public on pretext of getting Government employment. It is



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disgusting to note that even though the State had taken steps to curb corruption in the various Departments, the Petitioner herein as a citizen of the country is not following the law of the country and want to enforce an illegal contract to the Court by invoking the powers of the High Court under Section 482 Cr.P.C. The Petitioner is least bothered about the fact that he is encouraging the corruption in the society, thereby preventing educated, talented youth, who are unable to pay middle men and politicians, to get job. If this trend is encouraged, there cannot be eradication of corruption. Now the corruption had become a popular topic in the public during election time. At the same time, the common man as voter and also a citizen of this country wants the corruption to continue. Those who are having power to pay for the job wants to pay and get a job ignoring the time tested, procedures by the Tamil Nadu Public Service Commission or the Staff Selection Commission or the Bank Recruitment Board or the Railway Recruitment Board or Union Public Service Commission, recruiting talented educated youth, which is necessary to run any institution or departments of the Government. The Government cannot be run by elected representatives alone. They need talented and innovative minds to implement programmes of the Government and bring it to the grass roots level. When people of this nature are encouraged, the intention of creating Tamil Nadu Public Service Commission, the



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Staff Selection Commission, the Bank Recruitment Board, the Railway Recruitment Board, Union Public Service Commission everything will be a folly.

5. It is to be noted that if this petition is allowed and direction is issued to the Respondent Police, the Respondent Police will surely investigate the matter and seize the money from the accused concerned. In such exigency, the Investigation Agency shall not refund the amount to the Complainant, as it encourages the corruption in the society by refunding the amount to the Complainant, who had lost the money. This is the gambling that cannot be encouraged, as it encourages immorality in the society. If the Petitioner's daughter or son is appointed based on such extra legal methods, they are likely to become highly corrupted Government servants. They control a vast majority of the staff under the Department where they are posted, which becomes disaster to the economy of the country. Countries like Japan and Israel had developed because of the talented youth, who are ready to face any challenges, whereas in India, day in and day out, some people whose parents are ready to pay any amount for the post of Government job ignoring the time tested and examination conducted to identify merit and ability of the students. Also the petition can be interpreted in such a manner that the ingredients of Specific Relief Act are



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ignored. The Specific Relief Act says that immorality and illegality cannot be ordered or considered by the Court of law exercising discretion. This is the indirect method of enforcing an illegal contract for getting job to the son of the Petitioner through the third Respondent, who claims to be in contact with highly placed Government officials of the State.

6. In the light of the above, the Superintendent of Police, Trichy is directed to hold enquiry, nominate a senior official who is impartial in investigation and pass appropriate proceedings either with the District Crime Branch attached to the Superintendent of Police office or with any other office.

7. With the above direction, this Writ Petition is disposed of. No costs.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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