



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.6198 of 2024
and WMP(MD)No.5807 & 7845 of 2024

S.Chithirai Selvan

... Petitioner

Vs

1. The Director General of Police,
Office of the Director General of Police and Head of Police Force,
Mylapore,
Chennai - 600 004.

2. The Additional Director General of Police,
Tamil Nadu State Crime Record Bureau,
Chennai - 600 028.

3. The Deputy Inspector General of Police,
Tirunelveli Range.

4. The Superintendent of Police,
Tirunelveli District.

5. The Sub Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Certiorarified Mandamus, calling for the records in Rc.No.NGB-I(1)/E/21/2023 NGB Order No.05/2024 dated 06.03.2024 passed by the 1st respondent and consequential order passed by the 2nd respondent in Rc.No.A1/SCRB/144/1796/2023 dated 08.03.2024 and quash the same as arbitrary, illegal in so far as petitioner is concerned and further directing the 1st and 2nd respondents to include the name of the petitioner in the C List for Sub Inspectors of Police (Finger Print) fit for Promotion as Inspector of Police (Finger Print) for the panel year 2023-2024 and thus render justice.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.S.Shannmugavel
Additional Government Pleader

ORDER

Heard Mr.R.Rajamohan, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.



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2. The petitioner has filed this writ petition challenging the orders of the 1st respondent in Rc.No.NGB-I(1)/E/21/2023 NGB Order No. 05/2024 dated 06.03.2024 and consequential order passed by the 2nd respondent in Rc.No.A1/SCRB/144/1796/2023 dated 08.03.2024 in so far as the petitioner is concerned and further directing the 1st and 2nd respondents to include the name of the petitioner in the C-List for Sub Inspectors of Police (Finger Print), who are fit for Promotion as Inspector of Police (Finger Print) for the panel year 2023-2024.

3. The petitioner was selected for the post of Sub Inspector of Police (Finger Print)-2018 recruitment under Departmental Quota on the basis of the order dated 05.04.2019 passed in W.P.No.5542/2019. Subsequently, he had started training from 04.09.2019 with 8 other similiary selected candidates. In the meantime, the petitioner has been given with the suspension order dated 28.11.2023 by the Inspector General of Police pursuant to the complaint given by one Valarmathi. Subsequently, Valarmathi, the defacto complainant appeared in person before the Superintendent of Police, Tirunelveli District and gave a



written statment that she filed the complaint against the petitioner due to the coercion of her husband. Hence, the petitioner has filed Crl.O.P(MD)No.23473/2023 seeking to quash the FIR No.569/2023 pending on the file of the 5th respondent. This Court vide order dated 02.01.2024 directed the 5th respondent to proceed with investigation and if he finds that the statement given by the defacto complainant before the 4th respondent is true, he shall act accordingly. In the meanwhile, the respondents prepared the C List in which the petitioner's name has not been included. Hence, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submitted that at the time when the list was prepared there was a criminal case pending against the petitioner. It is also submitted that the criminal case which was pending against the petitioner has also been closed as 'mistake of fact'. Hence, the petitioner's name will be included in the C-List. In this regard the petitioner has given a representation dated 08.03.2024 to the respondents.



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5. The learned Additional Government Pleader for the respondents submitted that since the criminal case has closed as 'mistake of fact' the petitioner's name will be considered to be included in the list.

6. In view of the above submission, this writ petition is **disposed of**. If the respondents are convinced all these aspects, it would be appropriate for the respondents to consider the petitioner to be included in the C-list, within a period of three weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

19.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL

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R.N.MANJULA, J.

PJL

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