



W.A.(MD) No.109 of 2018

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.04.2024**

**CORAM**

**JUSTICE N. SESHASAYEE**

**and**

**JUSTICE P.VADAMALAI**

W.A.(MD) No.109 of 2018

and

C.M.P.(MD) No.554 of 2018

M.Jayakumar

... Appellant/  
Petitioner

Vs.

- 1.The Director General of Police,  
Kamarajar Salai,  
Chennai-4.
- 2.The Director,  
The Tamil Nadu Uniformed Services  
Recruitment Board,  
Chennai-600 002.
- 3.The Commissioner of Police,  
Madurai City,  
Madurai.



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4. The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City.

... Respondents/  
Respondents

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 22.12.2017 made in W.P.(MD) No.5249 of 2014.

|                 |   |                                                                                                                     |
|-----------------|---|---------------------------------------------------------------------------------------------------------------------|
| For Appellant   | : | Mr.R.Venkatesan                                                                                                     |
| For Respondents | : | Mr.Veerakathiravan<br>Additional Advocate General<br>assisted by<br>Mr.N.Muthuvijayan<br>Special Government Pleader |

### JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is filed challenging an order of a learned Single Judge in W.P.(MD) No.5249 of 2014, dated 22.12.2017.

2. The brief facts are:

(a) That the appellant was alleged to have been involved in some offence under the Essential Commodities Act, 1955 and accordingly, a case in Crime No.479 of 2010 came to be laid against him. He would then



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apply for the post of Police Constable. But citing the pendency of this criminal case, the authorities declined to consider his case. This was challenged by the appellant in W.P.No.7402 of 2011 and it came to be dismissed. Challenging the said order, the appellant filed an intra-Court appeal in W.A.No.698 of 2011. A Division Bench of this Court *vide* its order dated 29.07.2011, dismissed the appeal, but made an observation that the appellant herein was free to make fresh application in the event of any fresh recruitment process.

(b) In the meantime, the appellant was exonerated of the accusation earlier made and in the light of the same, he had now applied for being appointed in the Youth Police Brigade. This application came to be rejected by the authorities concerned again citing the earlier accusation of the involvement in a criminal case. This was challenged by the appellant in W.P.(MD) No.5249 of 2014 and the learned Single Judge of this Court *vide* her order dated 22.12.2017, dismissed the same especially on the ground that on the date of the order, the appellant had already crossed the upper age limit prescribed for being appointed in the Youth Police Brigade. This is now under challenge.



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3. The learned Additional Advocate General made a statement that in 2016 the Police Youth Brigade itself was abolished. Now even if there is any merit in the case of the appellant, yet his case could not be considered for two reasons:

- (a) That he had already crossed the upper age limit prescribed for being appointed in the Youth Police Brigade; and
- (b) That the very Police Youth Brigade is now not there. Therefore, no appointment could be made for something which does not exist today.

4. In view of the above, this Court does not find any merit to be considered in this Writ Appeal and the same is accordingly dismissed, and the order of the learned Single Judge dated 22.12.2017 passed in W.P.(MD) No.5249 of 2014 is hereby confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

(N.S.S., J.) (P.V.M., J.)  
15.04.2024

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
ABR



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**N. SESHASAYEE, J.**  
**and**  
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ABR

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