



W.P.No.23582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

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CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.23582 of 2023

A.Manikandan

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old CoP Office Campus, Pantheon Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Old CoP Office Campus, Pantheon Road,
Egmore, Chennai – 600 008.

4.The Superintendent of Police,
Vellore District Police,
Vellore – 632 009.

5.The Training Officer,
Tamil Nadu Police Training Academy,
Perurani, Thoothukudi – 628 102.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying



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for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as Grade II Police Constable in Tamil nadu Police Sub-Ordinate Service in light of the Order passed by Hon'ble Court in W.P.No.2836 of 2013, dated 22.03.2013, and to provide a lenient service to the petitioner with a rank not below the Grade II Police Constable, based on the petitioner's representation dated 03.07.2023 considering the present medical conditions of the petitioner.

For Petitioner : Mr.V.Ramanareddy

For Respondents : Mr.S.Prabhakaran,
Government Advocate

ORDER

The petitioner has filed this writ petition to direct the respondents to appoint the petitioner as Grade II Police Constable in Tamil nadu Police Sub-Ordinate Service in light of the Order passed by Hon'ble Court in W.P.No.2836 of 2013, dated 22.03.2013, and to provide a lenient service to the petitioner with a rank not below the Grade II Police Constable, based on the petitioner's representation dated 03.07.2023 considering the present medical conditions of the petitioner.

2. The case of the petitioner is that he participated in the Tamil Nadu



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Police selection examination conducted by the second respondent in the year 2012, and was selected as Grade II Police Constable in Tamil Nadu Police Sub-Ordinate Service and received call letter from the second respondent temporarily. Meanwhile, the petitioner met with a road accident and was consequently booked under F.I.R. in Crime No.187 of 2012, dated 13.04.2012, for the offences under sections 279, 337 and 338 of the I.P.C, registered on the file of Vellore Taluk Police Station. Thereafter the said crime number was brought before the Judicial Magistrate I, at Vellore in S.T.C.No.308 of 2012, and on 06.06.2012, as per the advises of the police authorities and since the said case was of no serious in nature, the petitioner admitted the same and paid a fine of Rs.2,250/- before the Judicial Magistrate I, at Vellore. Subsequently it became impediment for his final selection on the ground test of "Character and Antecedents" and was disqualified by fourth respondent herein vide Na.ka.No.2(3)/49777/ 2012 dated 03.01.2013.

2.1. Hence, the petitioner approached this Court and filed a writ petition in W.P.No.2836 of 2013 and was allowed by this Court by its order dated 22.03.2013. Whereas the respondents filed a writ appeal in



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W.A.No.2486 of 2018, and the same was dismissed, thereafter they moved the Hon'ble Supreme Court in S.L.P.(Diary) No.32462 of 2021, which was also dismissed. Hence the respondents came forward to give an appointment order. In an official communication dated 24.05.2023, the fourth respondent directed the petitioner to report duty before the fifth respondent on 31.05.2023 and to verify with the official records along with the deposit of requisite fees. But on 01.06.2023, the petitioner's health condition started to worsen, and was unable to work in the said location and could not undergo the police training on par with his peer selected Grade II Police Constables. Hence, the petitioner approached all the respondents by way of written representation dated 03.07.2023, to the said representation, the third respondent has given a reply on 07.07.2023, by stating that it was the subject matter to be dealt by the first respondent, but no further action was taken. Aggrieved by the same, the petitioner has come up with the present writ petition.

3. Learned counsel for the petitioner would submit that the petitioner is affected with kidney disorder and he has to undergo dialysis treatment.



Hence, he prays Court to provide the petitioner a better alternative employment in the Police Department instead of Grade – II Police Constable.

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4. Learned Government Advocate appearing for the respondents would submit that the Medical Board is the competent authority to decide whether the petitioner is a fit person for the Government Job or not. Hence, after examination of the Medical Board, if the petitioner is found to be fit, he will be considered for appointment to alternative job in the Police Department.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the submission made by the learned counsel on either side, this Court issues the following directions:

(i) The fourth respondent is directed to refer the case of the petitioner to the Medical Board for medical examination either in Vellore or in any other place, according to the choice of the fourth respondent.

(ii) If the Medical Board submits the report that the petitioner is fit for



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appointment in any other alternate employment in the Police Department (other than post of Grade-II Police Constable), the fourth respondent may consider the case, within a period of four weeks thereof. While considering the case of the petitioner, the fourth respondent may take into consideration the report of the medical board and place him in the appropriate place.

7. This writ petition is disposed of with the aforesaid observation and direction. No costs.

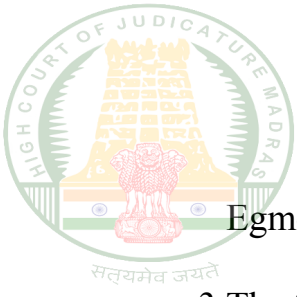
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Index : Yes/No
Speaking Order : Yes/No

To:

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old CoP Office Campus, Pantheon Road,

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Egmore, Chennai – 600 008.

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J.SATHYA NARAYANA PRASAD,J.

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