



W.P.(MD)No.8861 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8861 of 2025
and
WMP (MD) No.6639 of 2025

V.Prakash

: Petitioner

Vs.

1. The Director General of Fire,
and Rescue Services, Fire and Rescue Services Department,
No.17 Rukumani Lakshmipathi Road,
Egmore, Chennai - 600008.

2. Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Secretary,
Egmore, Chennai - 600008.

3. The Superintendent of Police,
Karur District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.5354/Aa1/2023 dated 19.02.2025 on the file of the respondent No.1 and quash the same as illegal and consequently for a direction directing the respondent No.1 to select and appoint the petitioner in the post of fire man within the time period stipulated by this Honourable Court.



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For Petitioners : Mr.T.Aswin Raja Simman

For Respondents : Mr.Veerakathiravan

Additional Advocate General

for R1 & R3

assisted by Mr.S.R.A.Ramachandran

Addl. Government Pleader for R2

ORDER

The present writ petition has been filed by the petitioner challenging the order of rejection of appointment dated 19.02.2025 issued by the first respondent.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner asserts that he participated in the Common Recruitment for the post of Grade II Police Constable/Fireman for the year 2023, conducted by the second respondent, and secured 88 marks, resulting in his selection for the post of Fireman. The petitioner's grievance is that, despite a criminal case registered against him being closed as a 'Mistake of Fact,' the impugned order was issued by the first respondent.



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4. Strong reliance has been placed by the petitioner on the judgment of the Hon'ble Division Bench of this Court in W.A.(MD) No. 938 of 2020 and batch cases, dated 05.06.2023. More particularly, paragraph 19(a) of the judgment states as follows:

“19.(a). In case of honourable acquittal, discharge, case closed as mistake of fact, quashing of F.I.R/Charge Sheet before the date of police verification, the same should be considered in favour of the candidate in the current selection itself.”

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner's reliance on the judgment of the Hon'ble Division Bench in W.A.(MD) No.938 of 2020 and batch cases, dated 05.06.2023, is misplaced and not applicable to the facts of the present case.

6. Heard the learned counsel for the parties and perused the materials available on record.



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7. Considering the facts and circumstances of the case, this Court directs the first respondent to reconsider the case of the petitioner in the light of the judgment of the Hon'ble Division Bench of this court if the petitioner's case falls within the purview and applicability of the principles enunciated therein. The first respondent shall examine the matter on its own merits and pass appropriate orders in accordance with law, after affording due opportunity of hearing to the petitioner, as well as to any other person who may be interested in the subject matter. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

01.07.2025

Index : Yes / No
Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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