



W.P.(MD) No.13233 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
10.11.2025	19.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.13233 of 2025 &
W.M.P.No.9467 of 2025

G.Anispandi

... Petitioner

-vs-

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment
Board (TNBUSRB),
Old Cop Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.
 - 2.The Director,
The Tamil Nadu Fire and Rescue Services (TNFRS),
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai – 8.
 - 3.The Superintendent of Police,
Collectorate Complex,
Virudhunagar District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue



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a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent dated 19.02.2025 vide in Na.Ka.No.5353/A1/2023, and quash the same and consequently direct the 2nd respondent to appoint the petitioner as Fireman forthwith and send him for training with effect from the date of original selection along with his batch mates within the time period stipulated by this Court and pass such further orders.

For Petitioner : Mr.R.Muthukumaran

For Respondents : Mr.Veerakathiravan AAG
Assisted by
Mr.F.Deepak SGP

ORDER

This Writ Petition had been filed to quash the impugned order passed by the 2nd respondent dated 19.02.2025 and consequently direct the 2nd respondent to appoint the petitioner as Fireman forthwith and send him for training with effect from the date of original selection along with his batch mates within the time period stipulated.

2. Heard Mr.R.Muthukumaran, the learned counsel appearing for the petitioner and Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.F.Deepak learned Special Government Pleader appearing for

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respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner hails from an agricultural family and had completed his Under Graduate with B.E., degree in Mechanical Engineering. He would submit that the first respondent had issued a notification on 08.08.2023 inviting applications for direct recruitment to the post of Jail Warder, Fireman and Grade II Police Constable. The petitioner having participated in the selection process, had successfully cleared the written examination and was also called for physical test and document verification, which has also been successfully cleared by him and the name of the petitioner was also found place in the final provisional selection list for the post of Fireman. In the process of verification of character and antecedents, it had come to know that a subsequent criminal case had been registered against the petitioner in Crime No.158 of 2024 on 01.11.2024. In view of the same, the petitioner's name was moved from the provisional selection list to waiting list without offering an opportunity to the petitioner. The petitioner had also moved this Court in Criminal O.P.(MD).No. 20974 of 2024 and the criminal case registered against him was quashed by this Court on 08.01.2025. A specific finding had also been given by this Court that the said case could not be projected as an impediment to the petitioner's

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future education and employment.

4. The petitioner thereafter had approached the first respondent requesting to issue an order of appointment wherein he was directed to approach the second respondent. As no action was taken, the petitioner had approached this Court in W.P.(MD).No.5685 of 2025 seeking to consider his representation. However, by the impugned order dated 14.03.2025, the claim of the petitioner was rejected by citing that criminal cases are pending. He would submit that the criminal case filed against the petitioner had been quashed.

5. He would further submit that the earlier criminal case filed against the petitioner even before the recruitment process, was quashed by this Court as early as on 10.02.2022 and he had also disclosed such criminal case in his application. The second criminal case has been launched against the petitioner after him making application and also after the certificate verification and physical test. Therefore, the same cannot also come in the way in appointing the petitioner to the post which he had been provisionally selected and hence, he seeks this Court to quash the impugned order herein and direct the respondents to send him for training with effect from the date of

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the original selection along with the batch mates within a time stipulated by this Court.

6. Countering his arguments, the learned Additional Advocate General would submit that the petitioner had been involved in two criminal cases and that a subsequent criminal case registered in Crime No.158 of 2024 is still pending and therefore, his candidature could not be accepted as per the Provisions of Rule 5 (b) of the Fire and Rescue Services Department. He would submit that the petitioner had not been honourably acquitted but his cases have been quashed by this Court by exercising of powers under Section 482 Cr.P.C.

7. He would further submit that when the police verification is made and it is found that a criminal case have been pending against the petitioner, the petitioner is not entitled for being appointed. Only if he gets an order of acquittal or the same is closed as mistake of facts, he would be entitled to participate in the next recruitment process and cannot seek to get appointed during the recruitment which he had participated and found to have been involved in a criminal case. Hence, his claim has been rightly rejected by the second respondent, as its the second respondent who would be responsible for

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the discipline in its force.

8. He would also heavily place reliance upon the various judgments of the Hon'ble Apex Court and this Court in support of his contentions. Therefore, he prays this Court to dismiss the Writ Petition.

9. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

10. In the present case, it is not disputed that the petitioner had involved himself in a criminal case as early as in the year 2021 and the same had also been quashed by this Court and he had disclosed the same in his application. The only criteria that is now sought to be put against the petitioner is a subsequent criminal case which according to the respondent is pending investigation. But on the contrary, the learned counsel for the petitioner had produced a judgment of this Court made in CrI.O.P.(MD).No.20974 of 2024, wherein the criminal case that is sought to be put against the petitioner in Crime No.158 of 2024 had been quashed by this Court, by recording no objection of the de-facto complainant himself as against the petitioner. This itself would mean that the petitioner had not been involved in such a criminal offence and the case had been registered on

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mistake of fact against the petitioner. The learned Judge had also categorically indicated that the above case in Crime No.158 of 2024 cannot be projected as an impediment to the petitioner for his future education and employment.

11. Hence, when such is the categorical finding, a reliance placed upon the case registered in Crime No.158 of 2025, apart from the earlier criminal case in Crime No.84 of 2019, is wholly improper. As already noted that the case in Crime No.84 of 2019 had been quashed by this Court as early as in 2022 in CrI.O.P.(MD).No.1644 of 2022 and that the case in Crime No.158 of 2024 had been quashed by this Court by its order dated 08.01.2025. Hence, as against the petitioner there are no criminal cases pending. If the petitioner had not made a strong ground for quashing the criminal case, this Court would not interfere.

12. For the aforesaid reasons, the Writ Petition is allowed and the impugned orders are quashed. The respondents are directed to issue the appointment order to the petitioner and also send him for training and he shall also be placed as per the merit in the seniority list for the recruitment made pursuant to the notification dated 08.08.2023. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is



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closed.

19.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Pbn

To

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K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY ORDER MADE
IN
W.P.(MD) No.13233 of 2025 &
W.M.P.No.9467 of 2025

19.12.2025