
(2014) 07 MAD CK 0216

In the Madras High Court

Case No : Writ Petition Nos. 21377 and 21378 of 2013

Rajsekhar B. Korwar

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 14-07-2014

Acts Referred:

Citation : (2014) LabIC 3567

Hon'ble Judges : N. Paul Vasantha Kumar, J;K. Ravichandra Babu, J

Bench : Division Bench

Judgement

N. Paul Vasanthakumar, J.—Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents. These writ petitions are filed to quash the order dated 1.3.2010 insofar as the petitioners are concerned as illegal, mechanical, arbitrary, against the principles of natural justice and unsustainable in law and consequently direct the respondents to accept the applications of the petitioners and permit them to participate in tests for promotion as Sub-Inspector (Executive) in CISF through Limited Department Competitive Examination for the year 2010, as may be fixed by the respondents.

2. The impugned orders were issued disqualifying the petitioners to participate in the tests on the ground that they were issued with an order of censure on 16.2.2004 in W.P. No. 21377 of 2010 and on 27.7.2003 insofar as the petitioner in W.P. No. 21378 of 2010.

3. The grievance of the petitioners is that as per Rules, four years prior to the application only, the good ACR with unblemished records has to be shown with further direction to show the unblemished record till issue of offer of appointment. The petitioners having applied pursuant to the application dated 18.1.2010 and they having suffered with punishment of censure, which was awarded long prior to four years, before the date of inviting applications, rejecting their applications on the basis of censure awarded on 16.2.2004 and 27.7.2003 respectively, is improper.

4. The learned counsel for the respondents submitted that pursuant to the interim order passed by this Court, the petitioners were permitted to appear for the written examination and both the petitioners have failed in the written examination Paper-I and they were found not eligible for selection.

5. Having regard to the fact that the petitioners have failed in the written examination, no relief could be ordered in these writ petitions except to state that the respondents shall consider their applications strictly in accordance with the guidelines/rules, which are in force on the relevant date of notification for future promotion. These writ petitions are disposed of with the above observation. No costs. Connected miscellaneous petitions are closed.