



W.P.(MD)No.15229 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.15229 of 2019

and

W.M.P.(MD)Nos.11748, 11749 of 2019 & 19966 of 2022

P.Sakthi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Home (Police-VI) Department,
Fort St.George, Chennai-600 009.

2.The Tamil Nadu Uniform Services
Recruitment Board,
Rep. by its Member Secretary,
Old Commissioner Office Campus,
Patheon Road, Egmore, Chennai-600 008.

3.The Director General of Police,
Kamarajar Salai, Chennai-600 004.

4.The Superintendent of Police,
Sivagangai, Sivagangai District.

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to G.O.Ms.No. 168, Home Police VI Department dated 02.03.2017 of the 1st respondent and the condition imposed in Para 16(1)(g) of the recruitment process for Posts of Sub Inspectors (Taluk, Armed Reserve and Tamil Nadu Special Police) 2019 notification dated 08.03.2019 of the 2nd respondent and the consequent order denying the no objection certificate in Na.Ka.No.A3/8282/32/2019-40 by the 4th respondent dated 13.04.2019 and quash all the above as well as thereby direct the respondents to consider the petitioner as in-service candidate eligible under the unnamed service Rule 14 2-A category 2 Sub-Inspectors of Police in Annexure II of the Special Rules for the Tamil Nadu Police Subordinate Service.

For Petitioner : Mr.M.Joseph Thatheus Jerome
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Writ on hand has been instituted questioning the validity of 16(1)(g) of the recruitment process issued in G.O.(Ms)No.168, Home Police VI Department, dated 02.03.2017 and the recruitment notification dated 08.03.2019



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issued by the 2nd respondent and the consequential order declining to grant no objection issued by the 4th respondent.

2.The petitioner was initially appointed as Police Constable on 01.03.2002. He was promoted to the post of Grade-I Police Constable. The petitioner participated in the process of selection and appointment directly to the post of Sub Inspector of Police, pursuant to the notification of the year 2019. It is not in dispute that a criminal case was registered against the petitioner and the charge sheet was filed for the offences under Sections 323, 324 and 353 of IPC in C.C.No.253 of 2004 and the said criminal case ended with an order of acquittal. Departmental disciplinary proceedings were initiated for the misconduct and the penalty of stoppage of increment for one year without cumulative effect was imposed. Finally, the Government in the memorial petition cancelled the punishment.

3.With this background, the learned counsel appearing for the petitioner mainly contended that imposing conditions for direct recruitment to the post of Sub Inspector of Police regarding the verification of past records is arbitrary. Punishment was cancelled in the case of the writ petitioner and therefore, he



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should be made eligible to participate in the process of selection and consequentially, No Objection Certificate ought to have been issued by the competent authority. Thus, the authorities have committed a lapse and by granting age relaxation now the case of the writ petitioner is to be considered to participate in the ensuing selection process.

4.The learned Additional Advocate General appearing for the respondents raised an objection stating that in-service candidates participated in the process of selection for direct recruitment to the post of Sub Inspector of Police must have clean records of service. In the event of any antecedent, punishments etc., their cases will not be considered for selection and appointment directly to the post of Sub Inspector of Police as per the rules in force. In the present case, the petitioner had involved in a criminal case, which ended with an order of acquittal. However, in the departmental disciplinary proceedings, punishment of stoppage of one year increment without cumulative effect was imposed.

5.Regarding the Government Orders and the rules in force, verification of antecedents and suitability is essential for the purpose of selection and



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appointment into the uniformed services. Therefore, we do not find any arbitrariness in the matter of verification of antecedent, character and the punishments imposed in respect of in-service candidates. The decision of the Interview Committee is final, unless such decision is tainted with the allegations of *mala fide* or directly in violation of the rules in force. Though the petitioner has challenged the rule, the grounds raised in the Writ Petition are insufficient to form an opinion that such condition is arbitrary or unconstitutional or unenforceable.

6.Per contra, the Courts have consistently held that for selection of candidates for uniformed services, verification of character, antecedents are paramount importance and in respect of in-service candidates verification of past records is relevant for the purpose of forming an opinion regarding the suitability of the candidate for selection and appointment directly to the post of Sub Inspector of Police. Thus, we do not find any infirmity in respect of the rule, which is under challenge.

7.As far as the case of the writ petitioner is concerned, admittedly, he was not permitted to participate in the process of selection, pursuant to the notification of the year 2019 to the post of Sub Inspector of Police. 20% quota



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was allotted to in-service candidates. The petitioner was found to be ineligible on account of initiation of departmental disciplinary proceedings and his involvement in a criminal case. Though he was acquitted, involvement in a criminal case is also a ground to be taken into consideration to ascertain antecedents, character and suitability of the candidates. Therefore, we do not find any infirmity in respect of the decision taken by the respondents. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

17.10.2023

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

Yuva

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3.The Director General of Police,
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