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WP No. 13936 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 13936 of 2025
and WMP Nos.15687, 15688 and 15689 of 2025

V.Sarathkumar

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. By The Secretary to Government,
Home Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The Director General Of Police / Director
Fire Service And Rescue Department,
No.17, Rukmani Lakshmipathi Road, Egmore,
Chennai-600 008.
3. The Member Secretary
Tamil Nadu Uniformed Services Recruitment
Board, Old Commissioner Of Police Office
Campus, Pantheon Road, Egmore,
Chennai-600 008.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 2nd respondent in Na.Ka. No.5354/ AA1/ 2023, dated 19.02.2025 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to appoint the petitioner as Fireman in the Tamil Nadu Fire and Rescue Services Department.

For Petitioner(s):

Mr.R.Jayaprakash

For Respondent(s):

Mr. M.Shahjahan,
Special Government Pleader



ORDER

Challenging the order rejecting his candidature to the post of Fireman and consequently seeking to appoint him as Fireman, the petitioner is before this Court.

2. It is the case of the petitioner that on 11.09.2023 he had applied for the post of Fireman as first preference, Jail Warden as second preference and Grade-II Police Constable TSP as a third preference in the Tamil Nadu Uniformed Services. He has successfully completed the written test and physical test and scored a total mark of 89 and was provisionally selected for the post of Fireman in the Tamil Nadu Uniformed Services. Thereafter, the department had conducted a police verification and based on the verification, the second respondent vide its proceedings dated 19.02.2025 rejected the petitioner's candidature on the ground that there was a police case in Crime No.1477 of 2020 registered against the petitioner by the Uthangarai Police. The petitioner was shown as the first accused. The complaint was on an allegation that when the *de facto* complainant's dog had barked at the petitioner and attempted to bite him during an altercation had taken place in which he had attacked the *de facto* complainant with an iron rod on his left elbow. After contest, the criminal case in C.C.No.30 of 2021 was dismissed and the petitioner was acquitted. This incident had taken place much before the



petitioner applying for the above post. However, this FIR has been used to reject the petitioner's candidature. The second respondent has rejected it on the following grounds:

“தீயணைப்புச் சார்நிலைப்பணி விதிகளில் வரையறுக்கப்பட்டுள்ளவாறு, தீயணைப்போர் பதவிக்குத் தேர்வு, செய்யப்படும் நபர், சிறந்தக் குணநலன் கொண்டவராகவும், அவருடைய முந்தைய நடத்தை திருப்திகரமானதாகவும் இருக்க வேண்டும். எனவே, மேற்படி குற்ற வழக்குகளில் ஈடுபட்டுள்ள உமக்கு தீயணைப்போராகப் பணிநியமனம் வழங்க இயலவில்லை என்ற விவரம் தெரிவிக்கப்படுகிறது.”

3. Challenging the same, the petitioner is before this Court.

4. The second respondent had filed a counter *inter alia* denying the contentions of the petitioner and contending that since the petitioner was involved in a criminal case in Crime No.1477 of 2020, his candidature could not be looked into. They would submit that the petitioner cannot claim his appointment as a matter of right as the criminal complaint had not ended in honourable acquittal and therefore, Rule 5(b)(2) of the amendment to the Special Rules for Tamil Nadu Fire Subordinate Services Rule would not apply. Since the petitioner was involved in a criminal case and had been charged, his presence in the uniformed services would not be proper. Therefore, they sought for a dismissal of the Writ Petition.

5. Heard the learned counsel appearing on either side and perused the



impugned order.

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6. The only ground on which the petitioner's candidature has been rejected is on the ground that he was involved in a criminal case. A perusal of the records would indicate that the First Information Register the incident which was caused the lodging of complaint had taken place on 02.12.2020 at 09.00 p.m. The allegation is that while the petitioner and others were walking in front of the *de facto* complainant's home, a dog had attempted to bite them which was warded off by the petitioner. The incident had resulted in exchange of words as well as fists. An FIR was registered and by order dated 07.06.2023, the petitioner was acquitted. A reading of the order would indicate that the acquittal is an honourable acquittal inasmuch as the learned Judicial Magistrate had found that the witnesses could not tender any evidence whatsoever incriminating the petitioner. The notification was only in the year 2025, nearly two years after the disposal of the criminal case. Therefore, as on the date of the application, there was no criminal case pending against the petitioner and he had also been honourably acquitted. The petitioner has also set out the details of this complaint in his affidavit. This Court in Writ Appeal No.1486 of 2024 was considering a similar issue relying upon the judgment in ***the Director General of Police, Tamil Nadu Police Department vs. K.Indhukumar*** made in ***W.A.(MD)No.938 of 2020*** wherein the Division Bench had held that the pendency of a criminal case should be with reference to the date of police



verification and not with reference to the date on which the application was made for selection. In the case on hand, the incident and the acquittal had taken place much before the very application being made. Therefore, the rejection of the petitioner's candidature is without any basis and hence, this Writ Petition is allowed. Consequently, the respondents are directed to appoint the petitioner within a period of one month from the date of receipt of a copy of this order, after evaluating his credentials, as he had been provisionally selected. Consequently, connected miscellaneous petitions are closed. No costs.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRM

To

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Chennai-600 009.
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P.T.ASHA, J.

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