



WEB COPY

WP No. 16953 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.07.2026

Pronounced on : 31.07.2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

**WP No. 16953 of 2020
and WMP.No.21043 of 2020**

V.Prabakaran

.. Petitioner

Vs.

1. The Director General of police Dr.Radhakrishna Salai,
Chennai -600 004.
2. TamilNadu Uniformed service Recruitment Board,
Representing by its Authorised Officer,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-600 008.
3. The Superintendent of Police
District Superintendent of Police,
Vellore, Vellore District.

..Petitioner(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in respect of the order passed in RCcNo.409067/Rect.1(2) / 2020 dated 29.8.2020 on the file of the 1st respondent and to quash the same and consequently direct the respondent to select the petitioner for the post of Constable Grade II , with effective from the date of original selection.

For Petitioner(s) : Mr.D.Rajagopal

For Respondents : Mr.C.P.Goutham



WEB COPY

WP No. 16953 of 2



Govt.Addvocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the records.

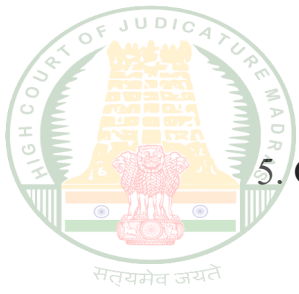
2. The petitioner, by the present writ petition has assailed the action of the first respondent in passing the order dated 29.09.2020, whereby the petitioner's candidature for being appointed to the post of Grade II Police Constable has been rejected.

3. Shorn of unnecessary details, the case of the petitioner, in brief, is that, pursuant to the notification issued by the second respondent for recruitment to the post of Police Constable, he had applied for the same on 23.01.2017 and participated in the selection process, including the written test; that he secured 56% marks in the said written test and was declared successful; that thereafter he attended the medical examination on 15.09.2017 and was found medically fit as per the parameters specified by the respondents; that subsequently he was called for certificate verification on 23.09.2017; that while he was awaiting the appointment order, the third respondent however, vide order dated 26.10.2017, rejected his candidature for selection on the ground that he had failed to disclose



the material fact of a criminal case pending against him in the application; that the said non-disclosure would amount to suppression which would not have come to light but for the verification of antecedents undertaken by the respondents; that, aggrieved by the aforesaid proceedings, he had approached this Court by filing the writ petition in W.P.No.34353 of 2017; and that this Court, by order dated 23.01.2020 quashed the said order of the third respondent and remanded the matter to the first respondent to consider the same afresh and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

4. It is the further case of the petitioner that on this Court quashing the proceedings issued earlier by the third respondent, the first respondent, by the impugned proceedings dated 29.08.2020 rejected the candidature of the petitioner for being appointed to the post of Grade II Police Constable without considering the Judgment of the Hon'ble Apex Court in the case of ***Avtar Singh vs. Union of India and others – (2016) 8 SCC 471***, as directed by this Court in its order dated 23.01.2020 in W.P.No.34353 of 2017; and thus, the impugned order is vitiated and is liable to be quashed with a consequential direction to the respondents to appoint the petitioner in the post of Grade II Police Constable. Contending as above, reliance is placed on the decision of this Court in W.P.Nos.32817 & 32818 of 2017 dated 10.04.2019.



5. Counter affidavit on behalf of the respondents is filed.

WEB COPY

6. The respondents, by the counter affidavit mainly contended that the petitioner, while applying for selection, in the application submitted was required to disclose as to the pendency of any criminal case against him and furnish the details thereof; that the petitioner, in the application submitted, did not disclose the criminal case pending against him.

7. The respondents further contended that though the petitioner was acquitted in the said criminal case on 22.09.2017, the said acquittal was only by way of benefit of doubt; that, as per Rule 14(b)(c) read with the Explanation thereto, of the Tamilnadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, (in short “TNDA Rules”), the petitioner is not eligible to be appointed to the post of Grade II Police Constable, having antecedents of involvement in a criminal case; that this Court, while disposing of the writ petition in W.P.No.34353 of 2013, had also noted that even if an applicant is acquitted in a criminal case, still the employer would have a right to consider the antecedents of a candidate and is competent to take a decision with regard to the appointment of the candidate for the post of Grade II Police Constable; and that the respondent, by considering the antecedents of the petitioner of being involved in a crime and having resorted to suppression by not disclosing the



pending criminal case at the time of submission of the application, found the petitioner not to be trustworthy for being appointed in a Uniformed Service.

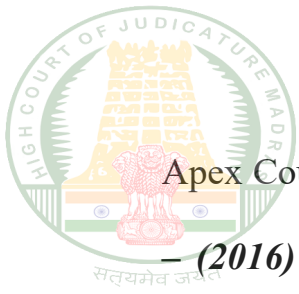
WEB COPY

8. In support of the aforesaid contention, the respondents placed reliance on the following decisions of the Hon'ble Division Bench of this Court :-

- i) ***The Director General of Police, Tamil Nadu Police Department, Mylapore, Chennai 600 004 and two Others vs. K.Indhu Kumar - W.A.(MD)MNo.938 of 2020 and etc., batch dated 05.06.2023;***
- ii) ***P.S.Selva Vinoth vs. 1.The Director General of Police, O/o, the Inspector General of Police (Welfare), Tamil Nadu Police Head Quarters, Chennai – 4 and Two Others - W.A.(MD)No.636 of 2022, dated 30.06.2022;***

9. I have taken note of the respective contentions urged.

10. While the petitioner contended that this Court, having quashed the proceedings of the third respondent dated 26.10.2017, on an earlier occasion, and directed the first respondent to consider the matter afresh having regard to the decision of the Hon'ble Supreme Court and the first respondent, while passing the impugned order, having not considered the Judgment of the Hon'ble



Apex Court rendered in the case of *Avtar Singh vs. Union of India and Others*

– (2016) 8 SCC 471, thereby making the impugned order vitiated as having

passed contrary to the directions of this Court, the respondents, on the other hand, contended that the different Division Benches of this Court having regard to the Rules had taken a view that non-disclosure of pending criminal cases would act as a bar for selection in the uniformed force; and therefore, the petitioner is not entitled to any relief.

11. At the outset, it is to be noted, it is not the first time that the issue involved in the present writ petition is falling for consideration of this Court. This Court had an occasion to consider a similar challenge to the rejection of the candidature to the post of Grade II Police Constable in the common recruitment undertaken by the second respondent Board in the year 2012, in W.P.No.23088 of 2019, wherein this Court, by order dated 19.12.2025, by referring to the decision of the Hon'ble Apex Court in the case of *Director General of Police, Tamil Nadu vs. J.Raghunees - (2023) 16 SCC 647*, rejected the claim of the petitioner therein. This Court while rejecting the claim of the petitioner therein, had relied on the observations made by the Hon'ble Apex Court in J.Raghunees case (*supra*) reading as under:-



WEB COPY



“14. In other words, the candidate in the first instance is obliged to give correct information as to his conviction, acquittal or arrest or pendency of the criminal case and there should be no suppression or false mention of required information. Secondly, even if truthful declaration is made by him, he would not be entitled to appointment as a matter of right and that the employer still has the right to consider his antecedents.

15. In the case at hand, though the respondent may be eligible for appointment but since he has not disclosed the complete information with regard to his involvement in a criminal case, wherein he might have been acquitted earlier even before verification, he cannot escape the guilt of suppressing the material information as required by Column 15 of the verification roll. Keeping in mind that the respondent was a candidate for recruitment to a disciplined force, the non-disclosure of the information of his involvement in the criminal case and subsequent acquittal therefrom cast a serious doubt upon his character and the antecedents which is sufficient enough to disentitle him from employment”.

12. The above observations of the Hon’ble Apex Court, would apply aptly to the case of the petitioner herein. The petitioner, herein who is seeking



for being appointed in the disciplined force, is not only required not to involve himself in any criminal case, but is also required to make a complete disclosure.

Any suppression or non-disclosure would reflect on his character. If a candidate, even before getting into the uniform force, resorts to such an act of non-disclosure, which, but for the verification undertaken by the respondent would not have come to light, the respondents are entitled not to select such candidate, notwithstanding the fact that the candidate subsequent secured acquittal in the criminal case. The purpose of requiring to disclose is intended for the respondents to verify the nature of case, extent of involvement, for the said authority to arrive at a conscious decision as to the suitability of a candidate to the uniformed post.

13. Further, this Court, in a challenge to the selection process of the year 2018 in W.P.No.16502 of 2019 dated 26.03.2026 once again took a similar view for which the written examination was held on 10.09.2018.

14. Since, this Court had consistently rejected the challenge to non-selection by the respondent on account of non-disclosure of pendency of criminal cases at the time of submitting the application, as reflecting on the character of the applicant and having regard to the decision of the Hon'ble Apex Court in the case of **J.Raghunees** (supra), this Court is of the view that the



petitioner also stands on the same footing as the petitioners in the
aforementioned cases.

WEB COPY

15. In view of the above, the challenge to the impugned proceeding has to fail. Accordingly, the writ petition is devoid of merit and is, therefore, dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

31-07-2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
KKD

To

1. The Director General of Police
Dr.Radhakrishna Salai, Chennai -600 004.
2. The Authorised Officer,
Tamil Nadu Uniformed Service Recruitment Board,
Old commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-600 008.
3. The Superintendent of Police
District superintendent of Police,
Vellore, Vellore District.



WEB COPY

WP No. 16953 of 2



T.VINOD KUMAR, J.,

KKD

Pre-delivery order in
WP No. 16953 of 2020

31-07-2026