



WEB COPY

WP No. 33199 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WP No. 33199 of 2026

AND

WMP NO. 36512 OF 2026

R.Thasaradhan
S/o.R.Rajendiran,
No.206, Mariamman Kovil Street,
Kuruvammappettai, Endiyur Post,
Tindivanam Taluk, Villupuram District
Pin. 604 307.

..Petitioner

Vs

1. The Registrar General
High Court of Madras,
Chennai- 600 104.
2. The Registrar (Recruitment)
High Court of Madras,
Chennai- 600 104.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus calling for the records of the first respondent vide his ROC . No. 72547/ 2026/RTI dated 23.07.2026 non selection of the petitioner (241703030505) as per select list dated 24.06.2026 and quash the same and consequently direct the respondents to reconsider the petitioners candidature for appointment to the any one of the posts of Sanitary Workers, Watchman, Nigh Watchman and Masalachi, in the High Court Recruitment, 2025 in accordance with law.



WP No. 33199 of 2026

WEB COPY

For Petitioner : J.Muthukumaran
For Respondents : Mr.B.Vijay

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

The present writ petition has been instituted challenging the order of Registrar (Administration) High Court of Madras dated 23.07.2026.

2. The petitioner filed an application under the Right to Information Act seeking certain information regarding selection to the posts of Group IV category. The petitioner states that he was successful in written examination, but not selected for appointment. The reason stated in the order passed by the Public Information Officer is that, the petitioner had involved in a criminal case in S.C.No.442 of 2013 on the file of the Additional Sessions Court, Tindivanam and the Selection Committee rejected his candidature on the ground of suitability.

3. Learned counsel for the petitioner Mr.J.Muthukumaran would submit that the criminal case against the petitioner ended with an order of acquittal in the year 2014 and as on the date of filing of the application in response to the recruitment notification, no criminal case was pending against the petitioner. That apart, the criminal case was falsely registered against the petitioner.



4. The issue to be considered is whether the suitability of a candidate for appointment considered by the selection committee can be interfered by the High Court and whether High Court can substitute its view against the assessment of the selection committee made regarding suitability of a candidate for appointment to a public post.

5. The issue in this regard is no more *res integra*. Subsequent to **Avtar Singh -vs- Union of India and Others¹ (2016) 8 SCC 471**, the Supreme Court has ruled that assessment of suitability is the prerogative of the Committee. High Court cannot substitute its views against the assessment of the selection committee regarding suitability.

6. The Hon'ble Supreme Court in the case of **Union Territory of Chandigarh -vs- Pradeep Kumar²** held that , "It is thus well settled that acquittal in a criminal case does not automatically entitle him for appointment to the post. Still it is open to the employer to consider the antecedents and examine whether he is suitable for appointment to the post".

¹(2016) 8 SCC 471

² (2018) 1 SCC 797



7. From the observations of the Hon'ble Supreme Court in the case of **Commissioner of Police -vs- Meher Singh**³, it is clear that, “a candidate to be recruited to the police service must be of impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even in case of acquittal or discharge, it cannot be presumed that he was honourably acquitted/completely exonerated. The decision of the Screening Committee must be taken as final unless it is shown to be mala fide. The Screening Committee also must be alive to the importance of the trust reposed in it and must examine the candidate with utmost character.” In the said case itself, the Hon'ble Supreme Court has elaborately considered the scope of acquittal.

8. The Full Bench of the Madhya Pradesh High Court formulated important question of law in respect of selection in the case of **Ashutosh Pawar vs. High Court of M.P. and another**⁴ and settled the principles and the relevant paragraphs are extracted hereunder:-

“ 1. Whether in all cases, where an FIR lodged against a person for minor offences has been quashed on the basis of a compromise arrived at between the parties or a person has been acquitted on account of a compromise between the parties, the character of the

³ (2013) 7 SCC 685

⁴ (2018) 1 CTC 353



WEB COPY

WP No. 33199 of 2026

person applying for appointment thereafter, has to be treated as Good and such a person cannot be held ineligible for appointment under the Rules of 1994?

2. Whether the High Court in exercise of its powers under Article 226 of the Constitution of India, can step into the shoes of the Appointing Authority and determine as to whether the person concerned is fit for appointment or whether the High Court on finding that the Authority concerned has wrongly exercised its discretion in holding the candidate to be ineligible should, after quashing the order, remit the matter back to the authority concerned for reconsideration or for fresh consideration as to the eligibility of the person ?

3. Whether the High Court while allowing such a petition in exercise of its powers under Article 226 of the Constitution of India can issue a further direction to the authority to appoint the person concerned on the post from the date his batchmates were appointed and to grant him back dated seniority and all other benefits or whether the High Court should simply remit the matter back to the authority for taking a decision in this regard ?

4. Whether the high standards of adjudging the good character of a candidate for appointment as a Judicial Officer, which has been adopted and followed by the State under the Rules of 1994 till the W.P.



No.5865/2016 decision in the case of Arvind Gurjar (supra) were and are right and proper or whether in view of the decision in the case of Arvind Gurjar (supra), the same should be considered to be relaxed to the extent that in all cases the character of a person should be treated to be good where he has been acquitted for minor offences on the basis of a compromise?

5. Whether the decision in the case of Arvind Gurjar (supra) lays down the correct law ? 6. Any other question that may arise for adjudication or decision in the dispute involved in the present petition and which the Larger Bench thinks appropriate to decide?"

9. In the case of **Rajasthan High Court, Jodhpur v. Akashdeep Morya and Another**⁵, the Supreme Court of India considered selection to the post of Civil Judge in judicial services. In para 30 of the judgment, the Supreme Court made an observation that, "The Court in judicial review is not concerned with the decision per se. It is more anxious that the decision-making process is not flawed. Circumstances, where the Court would interfere with the merits of the decision, are far too well settled to require any reiteration."

⁵ (2021) INSC 485



10. In the case of **Union of India and Others -vs- Methu Meda**⁶ 2021

INSC 623, the Apex Court, relying upon Paragraphs 38.3, 38.4 and 38.5 of the judgment in **Avtar Singh's case** held that, "it is clear that the employer is having right to consider the suitability of the candidate as per government orders/instructions/rules at the time of taking the decision for induction of the candidate in employment." The Apex Court further held that, "the law is well-settled. If a person is acquitted giving him the benefit of doubt, from the charge of an offence involving moral turpitude or because the witnesses turned hostile, it would not automatically entitle him for the employment.

11. Recently, in the case of **State of Madhya Pradesh and Others -vs- Rajkumar Yadav**⁷. The Supreme Court once again considered principles in Para 7.3 held as under.

" 7.3. The domain of considering the fitness and suitability of a candidate for the purpose of taking him in service belongs to the employer. A host of relevant consideration would legitimately find a place in the process of such consideration by the employer to decide whether it is feasible and advisable to offer employment to an aspirant. Where the employer or the screening committee of the employer has acted to discard, exclude or reject the candidature by applying relevant considerations and has not

⁶ (2021) INSC 623

⁷(2026) INSC 225



WEB COPY

WP No. 33199 of 2026

acted arbitrarily or whimsically, the courts have no role to interpose. Of course, a demonstrably mala fide approach by the employer would give room to the courts to exercise the power of judicial review.

8. In *Mehar Singh* (supra) and in *Parvez Khan* (supra), this court opined that the decision of the screening committee must be taken as final unless as it is shown to be mala fide. The screening committee also must be alive to the importance of the trust reposed in it and must examine the candidate with utmost care for the candidate's character.

9. But for the above limited considerations namely arbitrariness, unreasonableness, whimsicalness or mala fide approach, the scope of judicial review on this score is extremely limited. The courts are not expected to override the wisdom of the employer in judging the suitability of a candidate and in considering the relevance of the antecedents of the candidate and would not substitute its own view."

12. Thus, law has been settled regarding the powers conferred on the Selection Committee to assess the suitability of a candidate for appointment. The High Court is not expected to substitute its views or re-scrutinise the merits already considered by the Selection Committee, at its wisdom.

13. In the present case, the Selection Committee considered the case of



WP No. 33199 of 2026

the petitioner and found him not suitable for appointment. That being the factum, no further deliberation needs to be undertaken in respect of the grounds raised in the present writ petition.

14. For all the above reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.G.R.,J.)
19-08-2026

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

KST

To

1. The Registrar General
High Court of Madras,
Chennai- 600 104.
2. The Registrar (Recruitment)
High Court of Madras,
Chennai- 600 104.



WEB COPY

WP No. 33199 of 2026

**S.M.SUBRAMANIAM J.
AND
KRISHNASWAMY GOVINDARAJAN J.**

KST

**WP No. 33199 of 2026
AND
WMP NO. 36512 OF 2026**

19-08-2026