

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17334 of 2013  
and  
M.P.Nos.3 and 4 of 2013

K.Vadamalai

..Petitioner

Vs.

1. The Superintendent of Police,  
Villupuram District,  
Villupuram.
  2. The Chairman,  
Tamil Nadu Uniformed Services  
Recruitment Board,  
807 P.T.Lee, Chengalvaraya Naicker Maligai  
Anna Salai,  
Chennai - 2.
  3. The Director General of Police,  
Mylapore,  
Chennai -4.
  4. The State of Tamil Nadu,  
Rep . by its Secretary to the Government,  
Home Department,  
Fort St.George,  
Chennai - 9.
- ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to call for the records in Na.ka.No.A2/13000/2012 dated 22.12.2012 from the file of the 1<sup>st</sup> respondent and to quash the same by issue of writ of Certiorarified Mandamus to direct the respondent to select the petitioner as Grade II constable.

For Petitioner : M/s.K.Jenitha

For Respondents : Mrs.A.Sri Jayanthi,  
Special Government Pleader

## O R D E R

The order of rejection dated 22.12.2012 in relation to the selection of the writ petitioner for appointment to the post of Police Constable Grade-II is under challenge in this writ petition.

2.Pursuant to the recruitment notification issued for selection to the post of Police Constable Grade-II in the Tamil Nadu Police Services, the writ petitioner has submitted his application, successfully passed in the written test and the physical and medical test and the selection was conducted in the year 2012.

3.When the writ petitioner was awaiting for an order of selection, to his surprise the first respondent /Superintendent of Police, Villupuram sent a letter dated 21.02.2012, stating that the writ petitioner had suppressed the fact in respect of his involvement in a criminal case in the columns 15,16 & 18 in the application.

4.The learned counsel appearing on behalf of the writ petitioner made a submission that when the writ petitioner had submitted his application he was not aware of his involvement in the criminal case and during the relevant point of time there was no case pending against him. In fact the criminal case was registered in the year 2012 itself and the petitioner moved for an anticipatory bail on 07.12.2012 in the court of Learned Sessions Judge, Villupuram in Criminal M.P.No.11223/2012. He was released on 11.12.2012 then only he came to know that there was a criminal case registered against him in C.C.No.106 of 2012.

5.The learned counsel for the petitioner states that the criminal case was falsely registered against the writ petitioner and he had not involved in any of the allegations set out in the criminal case.

6.This court is of an opinion that in the event of any suppression of material facts in the application submitted by a candidate then the candidate become in-eligible for selection. Suppression of facts is a vital factor to be considered by the authorities competent while selecting a candidate. The recruitment is to the post of Police Constable Grade II, which is an uniformed service if such suppressions are found then the same has to be held against the candidate and he is not entitled to be selected.

7.This apart, the pendency of the criminal case is also a bar for appointment of the candidate. Verification of character and antecedent of the candidate are very important in respect of the selection to the post of Police Constable Grade II. The

Hon'ble Apex Court of India time and again reiterated that at the time of selection the competent authority is bound to verify the character and antecedent of the candidate in respect of pendency of criminal case. Even if a person is acquitted the authorities competent are entitled to reject the claim, if the character or antecedent of candidates are not satisfactory. The legal principles in this regard are already settled by the Supreme Court of India that suppression of facts also a ground for rejection of selection and pendency of the criminal case is also to be held against the candidate, who seeks appointment to the post of Police Constable Grade II.

8. In view of the fact that the criminal case is pending against the writ petitioner when the selection process was in progress the claim of the writ petitioner for appointment cannot be considered. This apart, the writ petitioner has not stated the fact regarding the pendency of the criminal case at the time of registration. Even in the case the petitioner that he has no knowledge about the criminal case, it is now admitted that the criminal case is pending against him. Thus, he is not entitled to claim for appointment.

9. In this view of the fact, this writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petitions are closed. However, there is no order as to costs.

Sd/-  
Assistant Registrar(CCC )

//True copy//

Sub Assistant Registrar

may

To

1. The Superintendent of Police,  
Villupuram District,  
Villupuram.
2. The Chairman,  
Tamil Nadu Uniformed Services  
Recruitment Board,  
807 P.T.Lee, Chengalvaraya Naicker Maligai  
Anna Salai,  
Chennai - 2.

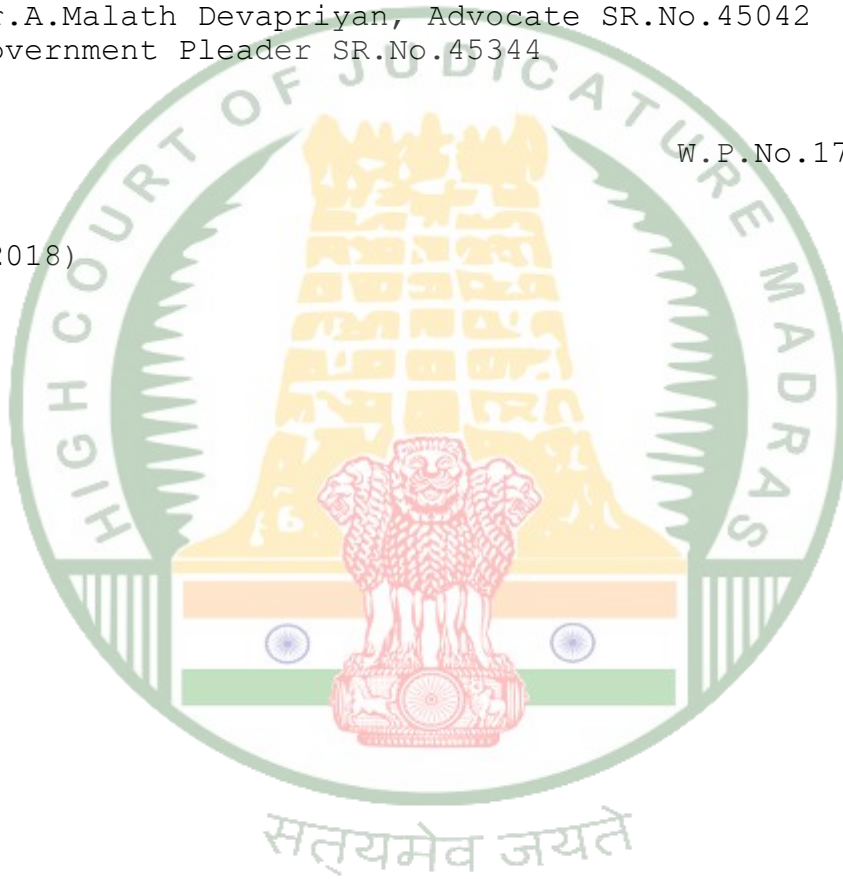
3. The Director General of Police,  
Mylapore,  
Chennai -4.

4. The Secretary to Government, State of Tamil Nadu,  
Home Department,  
Fort St. George,  
Chennai - 9.

+1cc to Mr.A.Malath Devapriyan, Advocate SR.No.45042  
+1cc to Government Pleader SR.No.45344

W.P.No.17334 of 2013

AK (CO)  
GN (01/08/2018)



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