



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 2829 of 2018

and

W.M.P (MD) Nos. 2985 and 2986 of 2018

Suresh Babu

... Petitioner

Vs.

1. The Tamil Nadu Uniformed Services Recruitment Board
rep. by its Vice Chairman,
Having Office at
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent dated 31/10/2017 vide his proceedings Na.Ka.No.A4/44294/2017 and quash same as illegal and consequently direct the Respondents Nos.1 and 2 herein to appoint the petitioner as a Grade II Police Constable in the selection process conducted by the 1st Respondent in response to his Advertisement No. 117 for common recruitment for the post of Grade-II Police Constables (M&W), Grade-II Jail Warders (M&W) and Firemen - 2017.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.B.Pugalendhi
Addl. Advocate General
assisted by
Mrs.S.Srimathy
Spl. Govt. Pleader

O R D E R

The petitioner was an applicant to the post of Police Constable Grade-II for the year 2017. He took part in the written examination as well as physical fitness test and he was successful in both. But he was denied employment by the second respondent by passing an order dated 31.10.2017. The same is assailed in this



2. Heard the learned counsel appearing on either side.

3. It is seen that the writ petitioner was implicated as one of the accused in Crime No.39 of 2016 on the file of the Pettai Police Station. The said case was charge sheeted and by Judgment dated 15.09.2017 all the accused including the petitioner herein were acquitted. But when the petitioner was an applicant in response to recruitment notification issued by the first respondent Board, the criminal case was very much pending. The petitioner deliberately suppressed his involvement not only in the application form but also at the time of verification of the antecedents of the candidate. This Court called upon the respondents to produce the copy of the verification roll. In response to the question as to whether the petitioner was involved in any criminal case as defendant, the petitioner has given "no" as answer and he had given similar no to question No.16 also. Therefore, the petitioner's conduct cannot be viewed lightly. The authority rightly held that the petitioner's character and conduct is not satisfactory. Rule 13(b) and (e) of the Tamil Nadu Police Subordinate Service Rules was rightly invoked against the petitioner. The Hon'ble Supreme Court in **Union Territory, Chandigarh Administration and others vs. Pradeedkumar and another [Civil Appeal No.67 of 2018]** emphasized the importance of integrity and high standard of conduct in police force and it would also held that the decision of the authority with regard to the character and conduct of the applicant must be taken as final unless it is *mala fide*. In the case on hand, there is nothing to suggest that the decision of the second respondent is mala fide. Therefore, the decision of the second respondent that the writ petitioner herein is not suitable for being posted to the post of Constable does not require any interference.

4. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Vice Chairman,
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Campus,
Pattabhi Road, Egmore,
Chennai - 600 008.



2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1cc to Mr.K.Prabhu, Advocate Sr.No.49983

+1cc to The Spl. Government Pleader Sr.No.50193

SKN

VB/SKN/RSK/SAR1/23.04.2018/3P/5C

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