



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:16.02.2018
CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
and
THE HONOURABLE **MRS.JUSTICE R.THARANI**

W.A.(MD)No.1097 of 2015

1.The Director General of Police/Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Lee, Chengalvarrayat Maligai, Anna Salai, Chennai-02

2.The Superintendent of Police,
Sivagangai District. ... Appellants / Respondents

Vs. ... Respondent / Petitioner

A.Baskaran

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent,
against the order passed by this Court, dated 26.03.2013 in W.P.
(MD)No.2367 of 2013.

Prayer in WP(MD). 2367/ 2013 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a WRIT OF
CERTIORARIFIED MANDAMUS, calling for the records relating to the
impugned order vide in Na.Ka.No.A3/11758/2012 dated 24-01-2013 on
the file of the 1st Respondent and quash the same and direct the
Respondents to appoint the Petitioner as Grade II Police
Constable.

For Appellants : Mr.D.Muruganantham
Additional Government Pleader
For Respondent : Mr.V.Kannan

J U D G M E N T

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

Heard Mr.D.Muruganantham, learned Additional Government
Pleader for the appellants and Mr.V.Kannan, learned counsel for
the respondent / writ petitioner.

2. This appeal is directed against the order made in W.P.
(MD)No.2367 of 2013 which was allowed along with the batch of
cases, by common order dated 26.03.2013. The issue which falls for
consideration in this appeal lies in a very narrow campus. The
respondent / writ petitioner applied for being selected as Grade -
II Police Constable vide application dated 07.11.2012. In the said
application, apart from other information that has to be furnished
by the applicant, the following have to be answered.



(i). Whether he is concerned in any criminal case.

(ii). Whether he has been arrested or convicted and sentenced to undergo imprisonment or pay a fine in any criminal or other offence and if so, give details with C.C. Number and Court.

(iii). Whether any civil or criminal cases are pending against him.

3. The respondent / writ petitioner has answered 'No' for all the above three questions. When the police verification was made, it has come to light that a criminal case has been registered against the respondent / writ petitioner, on 22.02.2012 in Crime No.114 of 2012 for offences under Sections 147, 148, 294 (b), 324, 336 and 506(ii) IPC. The respondent/writ petitioner having suppressed the said information, his selection has been cancelled.

4. The issue as to whether what would be the effect of said suppression made by a person seeking appointment in Uniformed Service, is no longer *res integra* and has been settled by the Hon'ble Supreme Court in the case of **Avtar Singh Vs. Union of India** reported in (2016) 8 SCC 471, wherein, the Hon'ble Supreme Court has pointed out that the whole idea of verification of character and antecedents is that the person suitable for the post in question is appointed. It is one of the important criteria which is necessary to be fulfilled before appointment is made. An incumbent should not have antecedents of such a nature which may adjudge him unsuitable for the post. The verification of antecedents is necessary to find out fitness of incumbent. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

5. Very recently, in the case of **Union Territory, Chandigarh Administration and ors. Vs. Pradeep Kumar and another** reported in **Civil Appeal No.67 of 2018, dated 08.01.2018**, the above decision has been reiterated. Thus, the petitioner has suffered disqualification for being considered for selection to the post of Grade-II Police Constable. That apart, the petitioner has answered 'No' for all the above three questions, which is false. Thus, for the above reasons, the Writ Appeal is allowed. No costs. Consequently, the W.P.(MD)No.2367 of 2013 is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

1.The Director General of Police/Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Lee, Chengalvarrayat Maligai,
Anna Salai, Chennai - 02.

2.The Superintendent of Police,
Sivagangai District.

+1 cc to MR.V.KANNAN, Advocate SR.No.49894

+1 cc to Special Government Pleader SR.No.49518

W.A. (MD) No.1097 of 2015
16.02.2018

SMA/RR/SAR-1/04.06.2018:3P/5c