



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.1098 of 2015

and

C.M.P.(MD).No.9066 of 2017

1.The Director General of Police/Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Lee Chengalvarrayar Maligai,
Anna Salai, Chennai-2.

2.The Superintendent of Police,
Sivagangai District.

...Appellants/Respondents

vs.

M.Muthukrishnan

... Respondent/Writ petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order, dated 26.03.2013, made in W.P.(MD).No.2430 of 2013.

Prayer in WP(MD). 2430/ 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 of the impugned order passed by the 2nd Respondent in Na.Ka.A3/11758/2012 dated 24-01-2013 and quash the same as illegal and consequently directing the 2nd Respondent to consider the Petitioner for his selection as Grade II Police Constable, in Tamil Nadu Uniformed Services Recruitment Board-2012.

For Appellants : Mr.D.Muruganandam
Additional Government Pleader

For Respondent : Mr.K.Sudalaiyandi

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.D.Muruganandam, learned Additional Government Pleader appearing for the appellants and Mr.K.Sudalaiyandi, learned counsel appearing for the respondent/writ petitioner.



2.This appeal by the Director General of Police/Chairman of the Tamil Nadu Uniform Service Recruitment Board and the Superintendent of Police, Sivagangai District is directed against the order, dated 26.03.2013 passed in W.P.(MD)No.2430 of 2013, which was allowed along with batch of cases.

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3.The issue, which falls for consideration in this appeal, lies in a very narrow campus. The petitioner applied for selection to the post of Constable in the Tamil Nadu Police Service, vide application, dated 08.11.2012. In the application, apart from other information, which the petitioner has to furnish the details, the petitioner was required to state the following:-

i)whether he has been concerned in any criminal case as defendant?

ii)Whether he has been arrested or convicted and sentenced to undergo imprisonment or pay a fine in any criminal or other offence? If so, give details with C.C.No., and Court.

iii)Whether any Civil or criminal cases pending against the applicant.

4.The respondent/writ petitioner has answered 'No', for all the above three questions. Further, it is seen that the petitioner was involved in a Criminal Case, which fact was not disclosed.

5.The arguments advanced by the learned counsel for the respondent/writ petitioner in this appeal is that at the time, the criminal case was registered, the respondent was a juvenile and subsequently, he has been acquitted. Though, such a stand has been taken, the respondent/writ petitioner is not entitled for any relief in the light of the decision of the Hon'ble Supreme Court in the case of Avtar Singh vs. Union of India and others reported in (2016) 8 Supreme Court Cases 471 wherein the Hon'ble Supreme Court held 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. Recently, the Hon'ble Supreme Court in the case of Union Territory, Chandigarh Administration and others. Vs. Pradeep Kumar and another in Civil Appeal No.67 of 2018, dated 08.01.2018 has taken a similar view and held that suppression of involvement in a criminal case is a serious matter and a person applied to join in the police force is not entitled to be selected on account of suppression.

6.Thus, for the above reasons, the order passed in the writ petition has to be set aside and accordingly, the writ appeal is



allowed and consequently, W.P(MD)No.2430 of 2013 is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(T&P)

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Sub Assistant Registrar

To

1.The Director General of Police/Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Lee Chengalvarrayar Maligai,
Anna Salai, Chennai-2.

2.The Superintendent of Police,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.K.Sudalaiyandi, Advocate SR.No. 49151

+1cc to Special Government Pleader, SR.No. 49519

W.A. (MD) No.1098 of 2015
16.02.2018

am

JM/SKN RSK/SAR 2/06.03.2018/3P/6C