



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.11.2018

CORAM:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD) No.23723 of 2018
and
W.M.P(MD) No.21491 of 2018

C.Tamil Selvan

... Petitioner

vs.

1.The Chairman,

Tamil Nadu Uniformed Services Recruitment Board,
No.807 P.D.V Sengalvarayar Maligai,
Anna Salai, Chennai-600 002.

2.The Director General of Police,

O/o. The Director General of Police,
Kamarajar Salai, Chennai-600 004.

3.The Additional Director General of Police (Prison),
And Inspector General of Prisons,
Whannels Road, Egmore, Chennai-600 008.

4.The Superintendent of Police,
Dindigul District, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in his proceedings in C.No.A9/37035/286/2017 dated 15.11.2018 and to quash the same and consequently direct the respondents to consider the petitioner to the post of Jail Warden based on his Marks, Qualification and preference in the common recruitment notification 2017-2018 issued by the respondent No.1 within in the time stipulated by this Court.

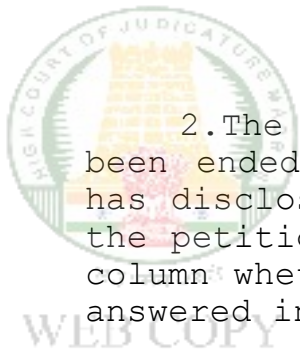
For Petitioner : Mr.G.S.Senthil Kumar

For Respondents : Mr.K.Chellapandian

Additional Advocate General
Assisted by Mr.A.Muthukaruppan,
Additional Government Pleader.

ORDER

The petitioner herein, who has suppressed the criminal case tried against him has applied for the post of Grade-II Jail Wardens. During the certificate verification, it was found that the criminal case against him in Crime No.45 of 2014 on the file of the Chathirapatti Police Station, was taken on file by the learned Judicial Magistrate, Oddanchatram in C.C.No.38 of 2014. The case has been ended in acquittal vide order dated 26.09.2014.



2.The contention of the petitioner herein is that the case has been ended in acquittal and therefore, in the application form he has disclosed the criminal case. The learned counsel appearing for the petitioner pointed out that in the application form against the column whether any criminal case has been filed against you, he has answered in negative in view of the acquittal.

3.The learned Additional Advocate General appearing for the respondents would submit that the aspirant to the uniformed force fails to honestly disclose his involvement of criminal case, though could have been ended in acquittal. Over and above the fact and other aspect is waived the mind of the fourth respondent and passed an impugned order which speaks for itself. Further, in the impugned order, the fourth respondent has considered the Service Rules, the guidelines of the Hon'ble Supreme Court in the case of Avtar Singh Vs. Union of India and others reported in (2016) 8 SCC 471 and subsequent order of the High Court in this regard and therefore, there is nothing to interfere in the order passed by the fourth respondent.

4.In the judgment of this Court rendered in W.A.No.1472 of 2013 dated 24.04.2018 in the case of V.Jayavarthan Vs. The Member Secretary, Tamil Nadu Uniformed Services Recruitment Board and others, wherein the Division Bench of this Court has observed that whether there was involvement in a criminal case earlier to the application or not and the acquittal given by the Court has to be taken into account in the light of the query in the application form. When the query in the application form, is whether the petitioner is involved in a criminal case and the answer is negative and the fact being the petitioner was involved, but answered only in negative, cannot be considered as a suppression of fact. In this case, the query is not whether he has involved in a criminal case, but the query is whether any criminal case has been filed against him. For this, the petitioner cannot answer in negative. Hence, it is a clear suppression of criminal case, which was filed against him.

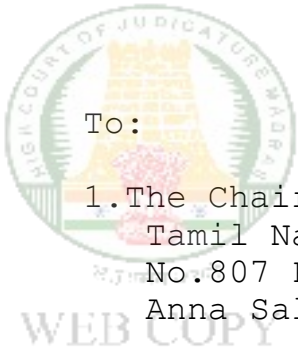
5.A perusal of the impugned order indicates that the fourth respondent has gone through the merits of the case in view of the Judgment of the Hon'ble Supreme Court rendered in Avtar Singh's case and thereafter has passed the order, which does not indicate non application of mind or mala fide. While so the Court is not inclined to exercise its writ jurisdiction to interfere the well considered order of the fourth respondent.

6.Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To:

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807 P.D.V Sengalvarayar Maligai,
Anna Salai, Chennai-600 002.
- 2.The Director General of Police,
O/o. The Director General of Police,
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And Inspector General of Prisons,
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- 4.The Superintendent of Police,
Dindigul District, Dindigul.

+1CC to Mr.G.Solairaja, Advocate, SR.No.22530

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CP
ES/SKN/RSK/SAR 4/17.12.2018/3P/6C