



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20777 of 2017

K.Sathiswaran

... Petitioner

Vs.

1.The Director General of Police,
State Head Quarters Office,
Chennai.

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

3.The Inspector of Police,
Usilampatti Police Station,
Madurai, Madurai District.

... Respondents

Prayer: This 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 order passed by the 2nd respondent in Na.Ka.B1/147/13288/2017 dated 13.10.2017 and quash the same and direct the respondents to appoint the petitioner as a Grade II Constable and disburse all other service and monetary benefits.

For Petitioner : Mr.S.Chellapandian
For Respondents : Mr.B.Pugalendhi,
Additional Advocate General
Asst.by Mr.A.K.Bhaskarapandian,
Special Government Pleader

O R D E R

The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai - 2, issued notification dated 23.01.2017 inviting applications for the post of Police Constables - Grade II, Jail Warders - Grade II and Fireman, 2017.

2.The petitioner herein was eligible to apply for the said post. He submitted his application. He was issued with the hall ticket. He took part in the selection process and was found to be



successful. But, he was denied appointment on the ground that his character and antecedent were not found to be satisfactory. The third respondent issued the impugned memorandum dated 13.10.2017 in this regard. The same is questioned in this writ petition.

3. Heard the learned counsel appearing for the writ petitioner as well as the learned Additional Advocate General for the respondents.

4. The learned counsel appearing for the writ petitioner pointed out that though the writ petitioner was shown as Accused No.2 in Crime No.218 of 2013 on the file of the Usilampatti Taluk Police Station, he was acquitted by judgment dated 20.02.2015 by the learned V Sessions Judge, Madurai. He would therefore contend that it is not open to the authorities to still insist that he was involved in a criminal case.

5. The learned Additional Advocate General on the other hand drew the attention of this Court to the serious allegations made against the writ petitioner. He also pointed out that there has been a deliberate and wilful suppression of the involvement in the criminal case by the writ petitioner. Admittedly, the writ petitioner did not make any disclosure about the said criminal case when he submitted the application form. He therefore wanted this Court to sustain the order denying the appointment to the petitioner.

6. The writ petitioner seeks entry into police department. But, he was implicated not in a petty criminal case. The allegations are very serious. It was a case involving Section 302 of I.P.C. In the typed set of papers, the copy of the judgment dated 20.02.2015 in Sessions Case No.202 of 2014 on the file of the V Additional Sessions Judge, Madurai is enclosed. No doubt, the case ended in acquittal. However, the acquittal rendered in favour of the writ petitioner cannot be said to be honourable.

7. Rule 14(b)(ii) and (iv) of Tamil Nadu Special Police Subordinate Service Rules reads as under:

"14(b) - No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority that

(i)

(ii) that his character and antecedents are such as to qualify him for such service; and

(iii)

(iv) that he has not involved in any criminal case before police verification"

8. The Full Bench of this Court in the decision reported in (2008) 2 MLJ 1203 (FB) - *Manikandan v. Chairman, T.N. Uniformed Services*, held as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

(a) that by virtue of Explanation 1 to clause (iv) of Rule 14(b) of the Tamil Nadu Special Police



Subordinate Service Rules, a person acquitted on benefit of doubt or discharged in a criminal case, can still be considered as disqualified for selection to the police service of the State and that the same cannot be termed as illegal or unjustified; and

(b) That the failure of a person to disclose in the application form, either his involvement in a criminal case or the pendency of a criminal case against him, would entitle the appointing authority to reject his application on the ground of concealment of a material fact, irrespective of the ultimate outcome of the criminal case."

9. The matter was once again referred to a Larger Bench and this Court in the decision reported in 2014(2) CTC 337 - *J.Alex Ponseelan V. The Director General of Police, Tamil Nad (LB)*, affirmed that the law laid down in Manikandan's case still holds the field and there was no need to revisit the same.

10. Considering the serious nature of the case, in which the writ petitioner was involved, I am of the view that no indulgence deserves to be shown to the writ petitioner and I am not inclined to grant any relief to the writ petitioner. This is more so because of suppression on the part of the writ petitioner. Therefore, the order impugned in the writ petition is sustained.

11. This writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Director General of Police,
State Head Quarters Office, Chennai.

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

3. The Inspector of Police,
Usilampatti Police Station,
Madurai, Madurai District.

+One cc to Mr.S.Chellapandian, Advocate, SR.no.40729

+One cc to The Special Government Pleader, SR.No.40674

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