

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :08.03.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.183 of 2019
and
W.M.P.No.197 of 2019

J.Pandian

.. Petitioner

..vs..

1. The Director General of Police,
Dr Radhakrishnan Salai,
Mylapore, Chennai - 4.

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

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned orders passed by him in Na.Ka.No.A2 (3)/3000/2017 dated 26.10.2017 and quash the same and direct the respondent to appoint the petitioner as Gr-II Police Constable in T.N.police Subordinate Service and send him for training and grant him all consequential service and monetary benefits.

For Petitioner : Mr.Venkataraman, Senior Counsel
for M/s.M.Muthappan

For Respondents: Mr.D.Suriya Narayanan,
Additional Government Pleader

O R D E R

The order of rejection cancelling the selection of the writ petitioner for recruitment to the post of Grade-II Police Constable in proceedings in Na.Ka.No.A2(3)/3000/2017, dated 26.10.2017 is under challenge in the present writ petition.

2. The candidature of the writ petitioner has been rejected on the ground that he had suppressed the material facts in the application submitted at the first instance in respect of the registration of a Criminal Case against him in Crime No.235 of 2010 under Sections 147, 148, 448, 294(B) and 506 part 2 IPC. On two counts, the selection of the writ petitioner was cancelled.

Firstly, he suppressed the material fact in the application submitted by him for recruitment to the post of Grade-II Police Constable.

Secondly, the writ petitioner had involved in a criminal case and on verification of character and antecedent, the authorities found that the same is not satisfactory. On these two grounds, the impugned order has been passed.

3. The learned senior counsel appearing on behalf of the writ petitioner states that writ petitioner can establish his innocence in respect of the non-mentioning of the criminal case in the application and in this regard he preferred an appeal before the Director of General of Police / first respondent has to consider the same.

4. The learned counsel appearing on behalf of the respondents disputed the contention by the stating that the writ petitioner had not only suppressed the material facts in his application but also found not suitable for the appointment to the post of Grade-II Police Constable as he has involved in a criminal case.

5. The three judges Bench of Hon'ble Supreme Court of India in the case of State of Madhya Pradesh vs. Abhijit Singh Pawar reported in 2018 (6) CTC 659 held as follows:

"15. In the present case, as on the date when the respondent had applied, a criminal case was pending against him. Compromise was entered into only after an affidavit disclosing such pendency was filed. On the issue of compounding of offences and the effect of acquittal under Section 320(8) of Cr.P.C., the law declared by this Court in Mehar Singh (supra), specially in paragraphs 34 and 35 completely concludes the issue. Even after the disclosure is made by a candidate, the employer would be well within his rights to consider the antecedents and the suitability of the candidate. While so considering, the employer can certainly take into account the job profile for which the selection is undertaken, the severity of the charges levelled against the candidate and whether the acquittal in question was an honourable acquittal or was merely on the ground of benefit of doubt or as a result of composition."

6. Now it is the settled principle that verification of character and antecedent, more specifically for uniformed services are of paramount importance and there may not be any compromise on the part of the authorities in verifying the character and antecedent. Even, if a person is acquitted in a criminal case, then also the Authorities Competent are empowered to verify the character and antecedent and cancel selection on that basis, if the same is found not satisfactory.

7. This being the principle, the decision taken by the authorities in the present case on hand, deserves no interference and accordingly, the impugned order is not infirm.

8. Thus, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Director General of Police,
Dr Radhakrishnan Salai,
Mylapore, Chennai - 4.

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

+1cc to Mr.M.Muthappan, Advocate, S.R.No.22331

+1cc to the Government Pleader, S.R.No.22644

W.P.No.183 of 2019
and
W.P.MP.No.197 of 2019

PPA (CO)

RRS (25/04/2019)

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