

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.2087 of 2019

S.Hemanathan

...Appellant

-vs-

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

2.The Superintendent of Police
Tiruvallur District

... Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order in W.P.No.24898 of 2018 dated 25.03.2019 on the file of the High Court of Judicature at Madras.

W.P.No.24898 of 2018 :- Writ Petition 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 order passed by him in Na.Ka.No.A2/ 6421 / 2017 dated 14.5.18 and quash the same and direct the respondents to appoint the petitioner as Gr-II Police constable and send him for training and grant him all consequential service and monetary benefits.

For Appellant : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mrs.A.Sri Jeyanthi
Special Government Pleader

J U D G E M E N T

[Judgement of the Court was delivered by P.T.ASHA,J.]

This Intra-Court Appeal is filed challenging the dismissal of W.P.No.24898 of 2018.

2. The Writ Petition was filed to quash the order dated 14.05.2018 passed by the 2nd respondent in and by which the appellant's selection to the post of Grade II Police Constable was rejected in view of his involvement in a Criminal case.

The facts in issue are as follows:

3. The appellant had, in response to the notification issued by the Tamilnadu Uniformed Services Recruitment Board applied for the post of Grade II Police Constable for the year 2017. The appellant being fully qualified for the post he had participated in the written exams successfully and had also appeared for the physical endurance test where also he had come out successful. The appellant was therefore selected and a provisional selection order was issued. Thereafter the appellant was directed to appear for verification of his antecedents and for his medical examination. The medical examination of the appellant had also turned out successful. Thereafter the appellant was made to fill up a form for the verification of antecedents.

4. The appellant who had been acquitted in a criminal case in Crime No.85 of 2015 on the file of the Inspector of Police, F-3, Arambakkam Police Station, Thiruvallur District had not mentioned the said fact in his form. Thereafter, during the verification, the respondents came to learn about this fact. Therefore by order dated 22.09.2017 his selection was cancelled.

5. Challenging the said order the appellant had moved the Writ Court in W.P.No.24898 of 2018. By order dated 25.03.2019, the learned single Judge was pleased to dismiss the Writ Petition on the ground that the appellant was guilty of suppression and being a candidate who was to enter a Uniformed Services character antecedents was of utmost importance. The said order is the subject matter of challenge in this Intra-Court appeal.

6. Mr.K.Venkataramani, learned Senior Counsel appearing on behalf of Mr.M.Muthappan would argue that the appellant had been acquitted even before his applying for the post of Grade II Police Constable therefore it would not be a case of suppression. He would therefore contend that the learned Single Judge had not considered this fact and the erroneous order had therefore followed.

7. Mrs.A.Sri Jeyanthi, the Special Government Pleader appearing for the respondents would submit that the very fact that the appellant had failed to fillup the column about antecedents is a clear case of suppression and therefore the learned Single Judge was right in dismissing the Writ Petition

and the order should be sustained.

8. It is no doubt true that the appellant had been acquitted by Judgement and Decree dated 25.10.2017 in Crl.O.P.No.22451 of 2017. However, the appellant had deliberately omitted to fillup this column in the prescribed form. Therefore it is clear that the appellant had suppressed this statement more particularly when the antecedents verification form contains a clause to this effect.

9. In the Judgement reported in (2013) 7 SCC 685 - Commissioner of Police, New Delhi and another Vs. Mehar Singh, the Honourable Supreme Court has observed as follows:-

"The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening Committee. The decision of the Screening Committee must be taken as final unless it is mala fide. In recent times, the image of the police force is tarnished. Instances of police personnel behaving in a wayward manner by misusing power are in public domain and are a matter of concern. The reputation of the police force has taken a beating. In such a situation, we would not like to dilute the importance and efficacy of a mechanism like the Screening Committee created by the Delhi Police to ensure that persons who are likely to erode its credibility do not enter the police force. At the same time, the Screening Committee must be alive to the importance of trust reposed in it and must treat all candidates with even hand"

The Conclusions in Mehar Singh (supra) have been followed and the principles reiterated by the Honourable Supreme Court in later decisions, namely, in 2015 (2) SCC 591 - State of M.P. Vs. Parvez Khan and in 2018 (1) SCC 797 - Union Territory, Chandigarh Administration and others Vs. Pradeed Kumar and another.

10. In the light of the above, the order of the learned Single Judge is in order. We do not find any reason to set it

aside. The Intra-Court appeal is dismissed. No costs.
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Sd/-
Assistant Registrar (CS III)

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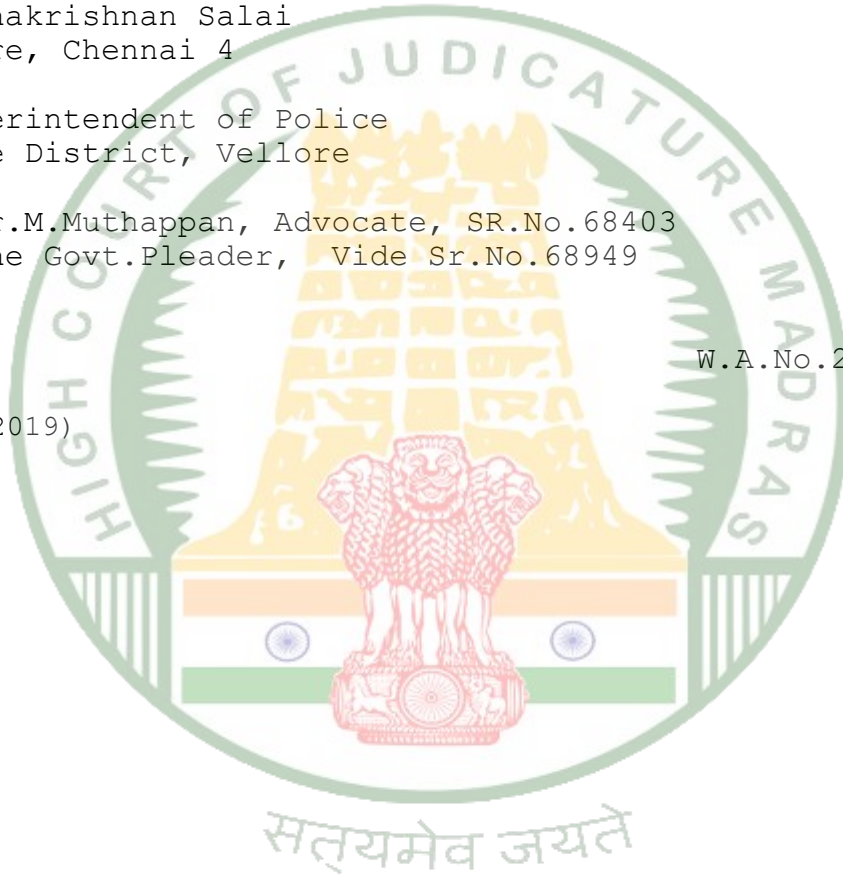
1.The Director General of Police
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Mylapore, Chennai 4

2.The Superintendent of Police
Vellore District, Vellore

+1cc to Mr.M.Muthappan, Advocate, SR.No.68403
+1cc to the Govt.Pleader, Vide Sr.No.68949

W.A.No.2087 of 2019

Kak(07/11/2019)



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