

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 9380 OF 2013
and
M.P.No.1 of 2013

P.Raghupathy

... Petitioner

Vs

1. Tamil Nadu Uniformed Services, Recruitment Board, 807, P.T.Lee Chengalvaraya Naicker Maligai, Anna salai Chennai-2.
Rep by its Member Secretary.

2. The Superintendent of Police
Cuddalore, Cuddalore District.

.... Respondents

Writ petition 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 2nd respondent relating to Na.Ka. No.A4/35540/2012 dated .12.2012 and quash the same and consequentially direct the respondents to consider the petitioner for appointment to the post of Police Constable, Grade II(Regn.0509205) for the Recruitment year 2012.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.A.N.Thambidurai, Spl.G.P

ORDER

The writ petition has been filed by the petitioner, to call for the records of the 2nd respondent relating to Na.Ka. No.A4/35540/2012 dated .12.2012 and quash the same and consequentially direct the respondents to consider the petitioner for appointment to the post of Police Constable, Grade II(Regn.0509205) for the Recruitment year 2012.

2. The case of the petitioner is that the petitioner belongs to Backward Class community .The petitioner completed

SSLC in the year 2002 and Higher Secondary course in the year 2005 was on the look out for employment for several years. In the mean time, the petitioner participated in the Common Recruitment Tests for 13,200 post of Grade II Police Constables/ Grade II Jail Warden/Fireman, which was conducted by the respondent Board and that the written examination was conducted on 24.6.2012. The petitioner also came out successful in the said exam and he was called to appear on 25.08.2012 for original certificate verification, physical measurement and endurance Test, however his selection was negatived by the respondent on12.2012 by the impugned order passed by the 2nd respondent herein, on the ground that the petitioner has not mentioned the criminal cases pending against him in the prescribed Form. Challenging the impugned order passed by the 2nd respondent, the present petition has been filed with the above said prayer by the petitioner.

3.Learned counsel appearing for the petitioner submitted that the petitioner was justified in not mentioning in the application Form with regard to the criminal cases pending against him, as on the said date, no criminal case was pending against him, however, in Paras No.15,16 and 18, with regard to the pendency of the cases. There being no case pending against the petitioner as on the crucial date, no fault could be fastened on the petitioner and negating his case that he has not disclosed the above information in the application form is wholly unsustainable and, hence the impugned order passed by the 2nd respondent is liable to be set aside and, accordingly he prays for allowing this writ petition.

4.Learned Special Government Pleader appearing for the respondents submitted that though in the application form, the petitioner has rightly mentioned that there was no criminal case pending against him, however, in Annexure-III, Verification Roll, the petitioner has not revealed about his antecedents which weighed with the respondents in negating the candidature of the petitioner and, therefore, there is no interference called for with the impugned order.

5.This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. A perusal of the materials available on record reveal that in the application form, the petitioner has mentioned that no case was pending against him as the criminal case, in which he was accused, resulted in the acquittal of the petitioner by the trial court. Therefore, there is nothing wrong in the petitioner stating that no criminal case was pending against him. However, in Annexure-III Verification Roll, the criminal

antecedents of the petitioner was asked and in the said place, the petitioner has not disclosed about the case in which he was accused. The said verification is not about the pendency of any criminal case, but it pertains to criminal antecedent against the petitioner and, therefore, non-mentioning of the criminal antecedent of the petitioner, pertaining to the case in which he was accused, definitely is an information, which goes against the candidature of the petitioner. Therefore, in the above backdrop, the impugned order of the 2nd respondent is wholly sustainable and justified and does not call for any interference.

7. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Member Secretary
Tamil Nadu Uniformed Services, Recruitment
Board, 807, P.T.Lee Chengalvaraya Naicker
Maligai, Anna salai
Chennai-2.
2. The Superintendent of Police,
Cuddalore, Cuddalore District.

+1cc to the Government Pleader in Sr.28837

W.P. No. 9380 OF 2013

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