

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14876 of 2014

And

M.P.No.1 of 2014

G.Munivelan

... Petitioner

Vs.

Superintendent of Police,
District Police Office,
Dharmapuri District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent herein in his proceedings Na.Ka.No.A3/22978/2013 dated 08.02.2014 and quash the same and consequently direct the respondent herein to appoint the petitioner as Tamil Nadu Special Police Youth Brigade, without reference to the criminal case registered in Crime No.197/2012 u/s.147 and 436 IPC at Perumbali Police Station, Dharmapuri District, within a time-frame.

For Petitioner : M/s.G.Bala
For Respondent : Mr.A.N.Thambi Durai
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in his proceedings Na.Ka. No.A3/22978/2013 dated 08.02.2014 and to quash the same and to consequently direct the respondent to appoint the petitioner as Tamil Nadu Special Police Youth Brigade, without reference to the criminal case registered in Crime No.197/2012 u/s.147 and 436 IPC at Perumbali Police Station, Dharmapuri District, within a time-frame.

2.The case of the petitioner is that the petitioner applied for Tamil Nadu Special Police Youth Brigade for the year 2013-14. He passed the written test and was called for physical entrance test and certificate verification on 30.12.2013. The petitioner attended the above test and passed in the said test and his certificates were also verified by the respondent on 30.12.2013. However, no appointment order was issued to the petitioner. The petitioner submitted representation to the respondent praying for appointment order, however, his claim was rejected on the ground that the petitioner had suppressed the fact that a criminal case was registered against him in Cr.No.197 of 2012 at Perumbalai Police Station, Dharmapuri District.

Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not mentioned about the criminal antecedent in column nos.15 and 18 of the application. He would further submit that this Court in a number of decisions has held that if the offence is not a serious one, this Court can interference. Hence, this Court may quash the impugned order.

4.The learned Special Government Pleader would submit that as per Rule 3(b) of TNSPYB Rules and as per the guidelines prescribed in G.O.Ms.No.432/Home (Pol XIV) dated 01.07.2013, the candidate should have good character. At the time of Police verification, it was known that the petitioner was involved in Cr.No.197 of 2012 u/s.147 and 436 IPC at Perumbalai Police Station, Dharmapuri District. However, in column nos.15 and 18 of the application, he had suppressed the criminal antecedent and had answered 'no'. Hence, he was not issued with appointment order.

5.Heard the arguments advanced on either side and perused the materials available on record.

6. Admittedly, the petitioner participated in the selection process. It is also admitted that the petitioner's name was mentioned in Cr.No.197 of 2012 u/s.147 and 436 IPC at Perumbalai Police Station, Dharmapuri District. However, in column nos.15 and 18 of the application, he had suppressed the criminal antecedent and had answered 'no'. As per Rule 3(b) of TNSPYB Rules and as per the guidelines prescribed in G.O.Ms.No.432/Home (Pol XIV) dated 01.07.2013, the candidate should have good character. Hence, this Court is not inclined to interfere with the impugned order.

7. The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

21.12.2020

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Speaking Order/ Non Speaking Order

Index: Yes/ No

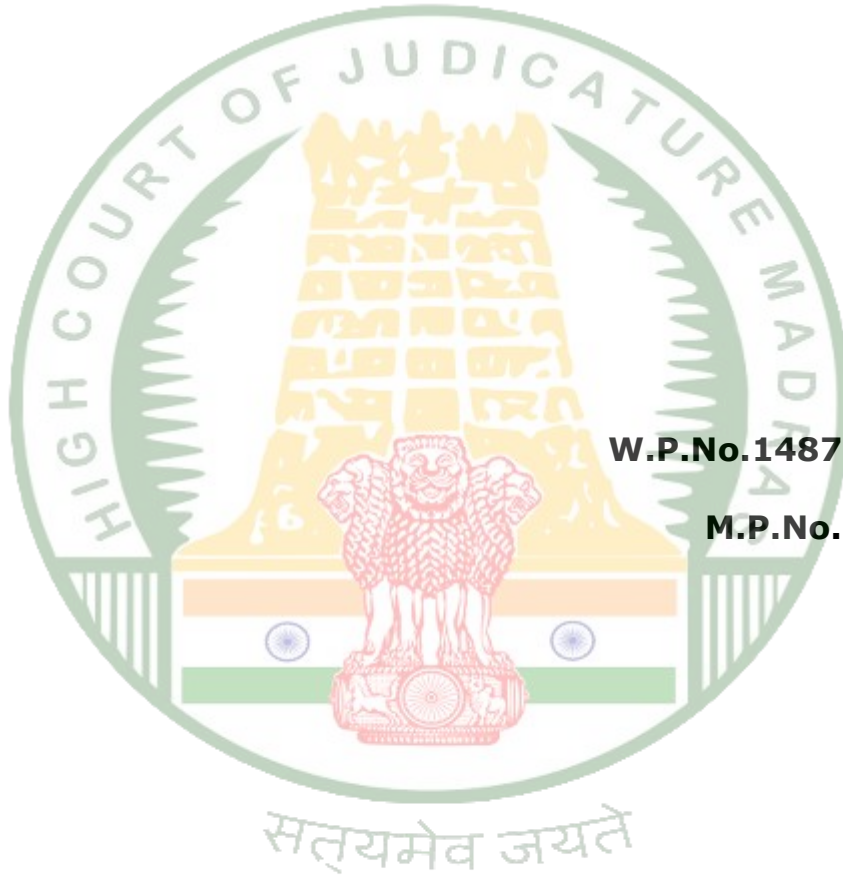
Internet: Yes/ No

To

The Superintendent of Police,
District Police Office,
Dharmapuri District.

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