

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.A.No.963 of 2020

B.Santhosh

...Appellant

Vs.

1. The Tamilnadu Uniformed Services Recruitment Board,
rep. by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
3. The Superintendent of Police,
District Police Office,
Cuddalore.

...Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 7.8.2020 made in W.P.No.10368 of 2020.

WP No.10368 of 2020:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records on the file of the 3rd respondent in this proceedings in C.No.A4/14450/2019, dated 9/3/2020 and quash the same and direct the respondents to appoint the petitioner to the post of Grade II, Police Constable, TSP for the year 2019.

For Appellant

: Mr.P.M.Gopalakrishnan

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader

JUDGMENT

(Delivered by SENTHILKUMAR RAMAMOORTHY, J.)

We heard learned counsel for the appellant.

2. This intra-court appeal challenges the order dated 7.8.2020, whereby this Court refused to quash the impugned order in the writ petition dated 9.3.2020.

3. The appellant challenged the aforesaid order dated 9.3.2020, whereby his application to the post of Grade II Police Constable (TSP) for the year 2019 was rejected on the ground of non disclosure of criminal cases that have been prosecuted against the appellant. The main contention of the appellant is that those criminal cases resulted in the acquittal of the appellant on the ground that the witnesses for the prosecution turned hostile.

4. The learned Judge took note of the fact that the three criminal cases related to offences under the Indian Penal Code and that the acquittal of the appellant was not because it was found that the appellant had not committed the offences in question, but on the ground that the prosecution witnesses turned hostile. The learned Judge also took note of a Full Bench judgment of this Court in Manikandan and others v. The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai, 2008 (2) CTC 97, wherein the scope of Rule 14(b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978 was considered and it was held that even a person who is acquitted on benefit of doubt in a criminal case could be disqualified for selection to the police service if he failed to disclose the criminal antecedents in his application form.

5. We find that the appellant has not made out any case to interfere with the impugned order, wherein all the contentions of the appellant were duly considered and the writ petition was dismissed by following the principle laid down by the Hon'ble Full Bench in the judgment cited supra. Accordingly, we are not inclined to entertain this writ appeal.

In the result, this writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

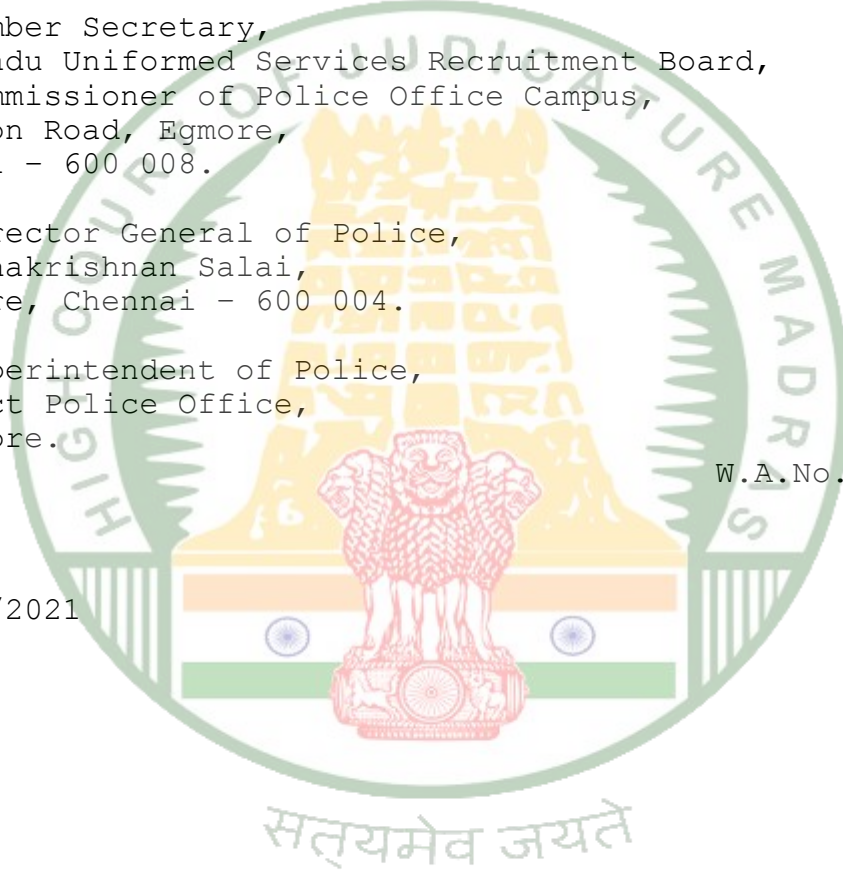
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To

1. The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
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Chennai - 600 008.
2. The Director General of Police,
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W.A.No.963 of 2020

CO (GP)
BDL/21/01/2021



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