



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.585 of 2021

in C.M.P. (MD) No.2648 of 2021

S.Melkistar

.. Appellant/Writ Petitioner

Vs.

1.The Director General of Police,  
Tamil Nadu Police Department,  
Mylapore,  
Chennai - 600 004.

2.Member Secretary,  
Tamil Nadu Uniformed Services Recruitment Board,  
Old Commissioner of Police Office Campus,  
Pantheon Road, Egmore,  
Chennai - 600 008.

3.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.

.Respondents/Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 10.05.2018, in W.P.[MD]No.16404 of 2018.

**Prayer In WP(MD) NO.16404 Of 2018:** Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.A4/44294/2017 dated 20.04.2018 and quash the same as illegal and arbitrary and consequently direct the respondents to appoint the petitioner in the post of Grade-II Police Constable for the year 2017 in the light of the order passed by the Honble Division Bench in W.A.No.472 of 2013 dated 24.04.2018 or appoint him in the post of Grade II Jail Warders/Firemen following the Tamil Nadu Jail Subordinate Service Rules/Tamil Nadu Fire Subordinate Service Rules respectively within the time limit that may be stipulated by this Hon'ble Court.

For Appellant : Mr.M.S.Suresh Kumar

For Respondents : Mr.A.K.Manickam

Standing Counsel for Government



## JUDGMENT

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[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.S.Suresh Kumar, learned counsel for the appellant and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondents.

2.This Writ Appeal by the State is directed against the order and direction issued dated 10.05.2018, in W.P.(MD) No.16404 of 2018, which was disposed of along with a batch of cases.

3.The question involved in this Writ Appeal is whether the appellant is eligible to be considered for selection to the post of Grade II police constable. The appellant's case was rejected on the ground that he has not disclosed the criminal case, which was registered against him, in the application and that the appellant had been acquitted by benefit of doubt by the Criminal Court.

4.The argument of Mr.M.S.Suresh, learned counsel for the appellant/petitioner is that the appellant has been categorized in category - III of the tabulated statement. It is contained in paragraph 35 of the impugned order and he should have been categorized in category - II.

5.Firstly, the petitioner is seeking employment in uniformed service. It is for the employer, namely, Tamil Nadu Police Department to consider non-disclosure of pendency of criminal cases or involvement in criminal cases, arrest and enlargement on bail are very serious matter. In our considered view, the same cannot be interfered. However, some leniency is shown when the acquittal is honourable acquittal. Admittedly, in the case on hand, the appellant was acquitted on benefit of doubt as the prosecution failed to prove the charge. It is open to the respondent department to hold that that could be not suitable to the police force. Therefore, we are of the view that the learned Single Judge is right in dismissing the Writ Appeal and we do not find any ground to interfere with the same.

6.Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj



To

1.The Director General of Police,  
Tamil Nadu Police Department,  
Mylapore,  
Chennai - 600 004.

2.Member Secretary,  
Tamil Nadu Uniformed Services Recruitment Board,  
Old Commissioner of Police Office Campus,  
Pantheon Road, Egmore,  
Chennai - 600 008.

3.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.

+1 CC to M/s.SPL GP ( SR-23216[F] dated 19/07/2021 )

Note In view of the present lock down owing to COVID-19 pandemic,  
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presented is the correct copy, shall be the responsibility of  
the advocate/litigant concerned.

**JUDGMENT MADE IN**  
**W.A.[MD]No.585 of 2021**  
**15.07.2021**

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RKN (29.07.2021) 3P 5C