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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DELIVERED ON:	**09.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)Nos.11930, 6080, 3953, 6469, 6477, 7672, 9234, 15488, 6590, 11802, 7719, 6455, 6525, 6749, 6792, 6895, 6516, 6372, 6195,6455 and 5750 of 2020 and W.M.P.(MD) Nos.10303, 10304, 5264, 5265, 5784, 5786, 5802, 7170 to 7172, 8427, 13005, 13007, 13009, 5939, 10221, 10222, 7208 to 7210, 5864, 5865, 6128, 6188, 6189, 6323, 6324, 5761,5763,5853, 5621 to 5623, 5396, 5397, 5011 and 5013 of 2020
(Through Video Conference)

M.Sivan Sakthi ... Petitioner in W.P.(MD)No.11930 of 2020
J.Thirumeni ... Petitioners in WP(MD). 6080 and 3953 of 2020
M.Suresh Kumar ... Petitioner in WP(MD). 6469 of 2020
P. Sathish Kumar ... Petitioner in WP(MD). 6477 of 2020
P. Rajkumar ... Petitioner in WP(MD). 7672 of 2020
S.Thiruganasampanthar ... Petitioner in WP(MD). 9234 of 2020
P.Elavarasan ... Petitioner in WP(MD). 15488 of 2020
A. Vigneshwaran ... Petitioner in WP(MD). 6590 of 2020
G.Prathap ... Petitioner in WP(MD). 11802 of 2020
P.Thangapandi ... Petitioner in WP(MD). 7719 of 2020
S. Suresh ... Petitioner in WP(MD). 6525 of 2020
P.Ramki ... Petitioner in WP(MD). 6749 of 2020
R. Karunakaran ... Petitioner in WP(MD). 6792 of 2020
T.Vijayakumar ... Petitioner in WP(MD). 6895 of 2020
M.Veerapandian ... Petitioner in WP(MD). 6516 of 2020
M.Prabakaran ... Petitioner in WP(MD). 6372 of 2020
S.Harikrishnan ... Petitioner in WP(MD). 6195 of 2020
S.Mathar Sahib ... Petitioner in WP(MD). 6455 of 2020
P. Santhosh Kumar ... Petitioner in WP(MD). 5750 of 2020

Vs.

1) The Director General of Police,
Office of the Director General of Police,
Radhakrishnan Salai,
Mylapore, Chennai.

2) The Chairman,
Tamil Nadu Uniformed Service
Recruitment Board,
Pantheon Road, Egmore, Chennai 600 008

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3) The Member Secretary,
Tamil Nadu Uniformed Service
Recruitment Board,
Pantheon Road, Egmore,
Chennai 600 008

4) The Superintendent of Police,
Madurai District, Madurai. ... Respondents in W.P.(MD)No.11930 of 2020

1. The Director General of Police, Kamarajar Salai,
Chennai - 600 004.

2. The Superintendent of Police, Pudukottai District, Pudukottai.

3.The Member Secretary, TamilNadu Uniformed Services,
Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai - 600 008.

... Respondents in WP(MD). 6080 and 3953/ 2020

1. The Director General of Police, Kamarajar Salai, Chennai-600 004.

2. The Chairman, Uniform Recruitment Service, Chennai

3. The Superintendent of Police, Theni Dist.

... Respondents in WP(MD). 6469/ 2020

1. The Chairman Tamilnadu Uniformed Service Recruitment Board, No.807 P.D.V. Senkalvarayar Maligai, Anna Salai, Chennai-600 002

2. The Director General of PoliCe,, Kamarajar Salai, Chennai-600 004

3. The Superintendent of Police, Office of the Superintendent of Police, Sivagangai Dist

... Respondents in WP(MD). 6477/ 2020

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

2. The Superintendent of Police, Thoothukudi District, Thoothukudi.

3. Tamil Nadu Uniformed Services, Recruitment Board,, Rep. by its Member Secretary, Egmore, Chennai - 600 008.

... Respondents in WP(MD). 7672/ 2020

1. The Chairman, Tamil Nadu Uniform Services Board,
No. 807, P.D.V.Senkalvarayar Maligai,
Anna Salai,
Chennai - 600002.

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2. The Director General of Police, Kamarajar Salai,
Chennai - 600004.

3. The Superintendent of Police, Office of the Superintendent of Police,
Virudhunagar District.

... Respondents in WP(MD). 9234/ 2020

1. The Govt of Tamil Nadu, Rep. by Secretary, (Home) Police Department, Secretariat, Chennai - 600 009.

2. Tamilnadu Uniformed Service Recruitment Board, Rep. by its Member Secretary, 807, 2nd Floor, Anna Salai, Chennai - 600 002.

3. The Chairman/sub Committee, Tamilnadu Uniformed Service Recruitment Board, Egmore, Chennai - 8.

4. The Superintendent of Police, Karur District , Karur.

... Respondents in WP(MD). 15488/ 2020

1. The State of Tamil Nadu, The Principal Secretary to Government Home (Police) Department, Fort St.George, Secretariat, Chennai-009

2. The Chairman, Tamilnadu Uniformed Service Recruitment Board, 807 2nd Floor, Anna Salai, Chennai-002

3. The Director General of Police, Mylapore, Chennai-004

4. The Superintendent of Police, Sivagangai Dist.

5. The Inspector of Police, Thiruvegamputhur Police Station, Sivagangai Dist.

... Respondents in WP(MD). 6590/ 2020

1. The Member Secretary, The Tamilnadu Uniform Service Recruitment Board, Old Cop Office Campus, Pantheon Road, Egmore, Chennai-008

2. The Director General of Police, Dr.Radhakrishnan Salai, Mylapore, Chennai-600004

3. The Additional Director General of Police, Office of the Additional Director General of Police, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008

4. The Superintendent of Police /the Sub Committee Chairman (Tnusrb), Office of the Superintendent of Police, Madurai Dist

... Respondents in WP(MD). 11802/ 2020

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

2. The Superintendent of Police, Thoothukudi District,
Thoothukudi.

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3. The Tamil Nadu Uniformed Services Recruitment Board, Rep. by its Member Secretary, Egmore, Chennai-600 008.

... Respondents in WP(MD). 7719/ 2020

1. The Director General of Police, Mylapore, Chennai.

2.The Member Secretary, Tamilnadu Uniformed Services Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-8.

3. The Superintendent of Police, Dindigul, Dindigul Dist.

... Respondents in WP(MD). 6525/ 2020

1. The Member Secretary, Tamilnadu Uniformed Services Recruitment Board (Old Office Complex of Commissioner of Police) Pantheon Road, Egmore, Chennai-600 008.

2. The Director General of Police of Tamilnadu, O/o.The Director General of Police of Tamilnadu, Kamarajar Salai, Mylapore, Chennai-600 004.

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

... Respondents in WP(MD). 6749/ 2020

1. Tamil Nadu Uniformed Services Recruitment Board, Rep by its Member Secretary, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600008

2. The Superintendent of Police, Sivagangai Dist.

... Respondents in WP(MD). 6792/ 2020

1. The State of Tamil Nadu, Rep by its Principal Secretary, Home Department, Secretariat, Chennai-009

2. The Chiarman, Tamilnadu Uniformed Services Recuitment Board, Old Commissioner of Police Office Campus, Egmore, Chennai-8.

3. The Member Secretary, Tamilnadu Uniformed Service Recruitment Board, Old Commisioner of Police Office Campus, Egmore, Chennai-8.

4. The Director General of Police, O/o.The Director General of Police, Tamilnadu, Chennai-600004.

5. The Superintendent of Police O/o.The Superintendent of Police Office, Pudukkottai, Pudukkottai.

... Respondents in WP(MD). 6895/ 2020

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1. The Chairmanm Tamil Nadu Uniformed Services Recruitment Board, No.807, P.D.V.Senkalvarayar Maligai, Anna Salai, Chennai 600 002.

2. The Director General of Police, Kamarajar Salai, Chennai 600 004

3. The Superintendent of Police, Office of the Superintendent of Police, Ramanathapuram District

... Respondents in WP(MD). 6516/ 2020

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

2. The Superintendent of Police, Thoothukudi District, Thoothukudi.

3. Tamil Nadu Uniformed Services Recruitment Board, Rep. by its Member Secretary, Egmore, Chennai - 600 008.

... Respondents in WP(MD). 6372/ 2020

1. The Director General of Police, O/o.The Director General of Police, Chennai - 4.

2. The Superintendent of Police, O/o.The Superintendent of Police, Tirunelveli District.

... Respondents in WP(MD). 6195/ 2020

1. The Director General of Police, Mylapore, Chennai.

2. The Member Secretary, Tamil Nadu Uniformed Services, Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Chennai- 8.

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

... Respondents in WP(MD). 6455/ 2020

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

2. The Superintendent of Police, Karur District, Karur.

3. Tamilnadu Uniformed Services Recruitment Board, Rep. by its Member Secretary, Egmore, Chennai-600 008.

... Respondents in WP(MD). 5750/ 2020

PRAYER in WP(MD)No.11930 /2020 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 4th respondent in Na.Ka.No.B1/4339/2020 dated 04.06.2020 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Police

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Constable Grade II on the basis of the common recruitment 2019 provisional selection list published on 04.02.2020 forthwith.

Prayer in WP(MD). 6080/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction or any other writ in the nature of a Writ of Certiorarified Mandamus, Calling for the records and proceedings of the 2nd respondent in Na.Ka.No.Aa2/8497/2019 dated 18-03-2020 and quash the same and consequently to direct the respondents to consider the acquittal of the petitioner as honorable acquittal and to appoint the petitioner(Enrollment No.2002433) as II Grade Constable of Police in the Tamil Nadu Police Department for the year 2019 selection year along with batch mates who were selected in the same recruitment process with consequential benefit.

Prayer in WP(MD). 3953/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction or any other writ in the nature of a Writ of Mandamus directing the respondents to appoint the petitioner (Enrollment No.2002433) in any post in the Tamil Nadu Police Department for the year 2019 selection year along with batch mates who were selected in the same recruitment process with consequential benefit by considering the petitioners representation dated 20/02/2020.

Prayer in WP(MD). 6469/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction or any other writ in the nature of a Writ of Certiorarified Mandamus to calling for the records relating to the impugned order passed by the 3rd respondent dated 23.3.2020 in Na.Ka.No.A3/5656/2020 quash the same and consequently direct the respondents to appoint the petitioner for the post of Grade II Police Constable in pursuant to the selection list passed by the 2nd respondent dated 4.2.2020 in RC.No.850/R2/TNUSRB/2019.

Prayer in WP(MD). 6477/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of Writ calling for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in Na.Ka.NO.A3/13450/70/2019 dated 11.5.2020 and quash the same as illegal and consequently direct the respondents to appoint the petitioner in the Post of Grade II Police Constable Tamilnadu State Police in par with the appointees appointed vide Notification of the respondents for the year 2019.

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Prayer in WP(MD). 7672/ 2020 :
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 2nd Respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No. A5/19292/19 dated 07.05.2020 and quash the same as arbitrary as well as in the light of the order passed in W.A.(MD) No. 3877 of 2019 dated 13.11.2019 and consequently direct the Respondents to appoint the petitioner based on the provisional selection list issued by the 3rd Respondent in the post of Grade-II Police Constable on par with his batch mates for the recruitment done in the year 2019 within the time limit that may be stipulated by this Honourable Court.

Prayer in WP(MD). 9234/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records pertaining to the Impugned Orders in Na.Ka. A2(1)/22995/2019, dated 20.05.2020 and C.No. A2 (1)/22995/2019, dated 01.08.2020 passed by the 3rd Respondent and quash the same as illegal and consequently direct the Respondents to appoint the Petitioner in the Post of Grade - II Police Constable, Tamil Nadu State Police in par with the appointees appointed vide Notification of the Respondents for the year 2019 with pay and all other monetary benefits

Prayer in WP(MD). 15488/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ calling for the records relating to the order passed by the 4th respondent in Na.Ka.No.A2/5884/2019 dated 14-10-2020 and consequently direct the respondent 2 to 4 to appoint the petitioner in the post of Police Constable Grade II in the services of the Tamil Nadu Police, within a specified time frame as fixed by this Honourble Court.

Prayer in WP(MD). 6590/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of Writ calling for entire records relating to the impugned proceedings in Na.Ka.NO.A3/13450/70/2019 dated 11.5.2020 issued by the 4th respondent and quash the same as illegal and consequently direct the respondents herein to issue appointment order to the petitioner pursuant to the selection list dated 4.2.2020 published by the Tamilnadu Uniformed Services Recruitment Board (TNUSRB) under Advertisement NO.1/2019 dated 6.3.2019 within the time limit.

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Prayer in WP(MD). 11802/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of Writ to call for the records connected with impugned order RC.No.B1/4339/2020-1 dt.15.7.2020 issued by the respondent No.4 and quash the same as an illegal consequence direct the respondents to appoint the petitioner under application No.1000070331 in Notification No.01/TNUSRB/2019 for the Post of Grade II PC TSP, Jail Warder, Fireman with all service benefits as provided to other candidates who are appointed as per the Notification NO.01/TNUSRB/2019 for the post of Grade II PC-TSP, Jail Warder, Fireman .

Prayer in WP(MD). 7719/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certioratified mandamus to call for the records on the file of the 2nd respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.A5/19292/19 dated 07.05.2020 and quash the same as arbitrary as well as in the light of the order passed in W.A.(MD)No. 3877 of 2019 dated 13.11.2019 and consequently direct the respondents to appoint the petitioner based on the provisional selection list issued by the 3rd respondent in the of the post of grade-II Police Constable on par with his batchmates for the recruitment done in the year 2019 within the time limit that may be stipulated by this Hon'ble court.

Prayer in WP(MD). 6525/ 2020 :
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 pertaining to the impugned order passed by the 3rd respondent in C.NO.14145/312/2019 dated 28.5.2020 and quash the same as illegal and consequently directing the 3rd respondent to appoint the petitioner for the post of Grade II Police Constable (Men, Women and Third Gender), Grade II Jail Warders (Men and Women) and Firemen for the year 2019 within the time period stipulated by this Honourable Court.

Prayer in WP(MD). 6749/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue an order or orders or directions or writs in the nature of writ of Certiorarified mandamus calling for the records relating to the impugned oder passed by the 3rd respondent in his proceedings Na.Ka.No.P1/4339/2020 dated 23.05.2020 and quash the same as illegal and arbitrary and consequently directing the respondents to consider the petitioner for appointment in the post of Grade-II police Constable (TN Special Police).

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Prayer in WP(MD). 6792/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an order or direction more particularly in the nature of Writ of Certiorarified Mandamus to call for the records of the impugned orders of the 2nd respondent in Na.Ka.NO.A3/13450/70/2019 dated 11.5.2020 and quash the same as illegal and consequently direct the respondents to select and appoint the petitioner for the post of Grade II Police constable in common recruitment for the post of Grade II Police constable (Men, Women and Transgender) Grade II Jail Warder (men and Women) and Fireman (men) 2019 within the time stipulated by this Honourable Court

Prayer in WP(MD). 6895/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 5th respondent in his proceedings Na.Ka.NO.A2/8497/2019 dated 18.3.2020 and quash the same as illegal and consequently to direct the respondent to consider the petitioner for appointment to the Post of Grade II Police constable taking into consideration of the marks secured by the petitioner within the period that may be stipulated by this Honourable Court.

Prayer in WP(MD). 6516/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue writ of Certiorarified mandamus or any other appropriate writ or order or direction in the nature of writ, calling for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in Na.Ka.No.A3/6816/2019-9, dated 19.05.2020 and quash the same as illegal and consequently direct the respondents to appoint the petitioner in the post of Grade - II Police Constable, Tamil Nadu State Police in par with the appointees appointed vide Notification of the Respondents for the year 2019 with pay and all other monetary benefits.

Prayer in WP(MD). 6372/ 2020 :
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 2nd Respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.A5/19292/19 dated 07-05-2020 and quash the same as arbitrary as well as in the light of the order passed in WA(MD).No.3877/2019 dated 13-11-2019 and consequently direct the Respondents to appoint the petitioner based on the provisional selection list issued by the 3rd Respondent in the post of Grade-II Police Constable on par with his batchmates for the recruitment done in the year 2019 within the time limit that may be stipulated by this Honourable Court.

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Prayer in WP(MD). 6195/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the Impugned order in Na.Ka.No.A4/16449//2019 dated 04-05-2020 on the file of the Respondent No.2 an quash the same and illegal and consequently for a direction, directing the Respondent No.2 to appoint the petitioner in the post of Grade -II Police Constable within the time period stipulated by this Honourable Court.

Prayer in WP(MD). 6455/ 2020 :
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 files of the 3rd respondent pertaining to the order bearing Na.Ka.No.A3/6816/2019-6 dated 18.05.2020 and to quash the same and consequently direct the respondents to appoint the petitioner as Grade II Police constable (Men, Women and Third Gender), Grade II Jail Warders (Men and Women) and Firemen for the year 2019 by permitting the petitioner to attend the training which was scheduled as per the recruitment process .

Prayer in WP(MD). 5750/ 2020 :
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 2nd respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.A2/5884/2019, dt 12.3.2020 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/Grade-II Jail Warder/Fireman on par with his batchmates for the recruitment done in the year 2019 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioners : Mr.Kannan
For M/s,Veera Associates in
WP(MD)11930 of 2020
Mr.P.Manikandan in WP(MD)6525/2020
Mr.B.Saravanan in WP(MD)6749/2020
Mr.M.Kannan in WP(MD)6792/2020
M/s.Ajmal Associates, C.Venkatesh Kumar
i in WP(MD)6895/2020
Mr.S.Gokul Raj in WP(MD)15488/2020
Mr.Kannan For Veera Associates in WP(MD)11930/2020
Mr.R.Sundar Srinivasan in WP(MD)6590/2020
Mr.G.Thalaimutharasu in WP(MD)5750, 6372, 7719
and 7672/2020
Mr.A.Balaji in WP(MD)6516, 9234 and 6477/2020
Mr.S.Ramasamy in WP(MD)6469/2020
Mr.V.M.Jegadeeshab Pandian in WP(MD)6455/2020
Mr.P.Yasmin Begum in WP(MD)3953 and 6080/2020

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Mr.T.Lajapathi Roy in WP(MD)6195/2020
Mr.R.Alagumani in WP(MD)11802/2020

For Respondents: Mr.K.Chellapandian ,AAG,
Asst. By M.Rajarajan,G.A. in WP(MD)6525, 6516 and 6477/2020
Mr.K.Chellapandian ,AAG, in WP(MD)11930 ,6749, 11930, 5750, 6372, 7719, 9234, 6469, 6455, 3953, 6080 and 6195/2020
Mr.K.Chellapandian ,AAG,Asst. By K.Mu.Muthu,AGP in WP(MD)6792, 6895, 15488, 6590, 7672 and 11802/2020

C O M M O N O R D E R

In all these writ petitions, the petitioners' involvement in criminal cases, have been cited as a reason for disqualifying them for appointment to the post of Grade II Police Constables, in the Common Recruitment Process-2019, held by the Tamil Nadu Uniformed Services Recruitment Board (TNUSRB).

2. It is stated by the respondents that these petitioners have suppressed the fact of their involvement in the criminal case, either in their application form or during the verification roll.

3. The respondents have mainly placed reliance on the Full Bench decision of this Court in the case of ***Manikandan vs. the Chairman, Tamil Nadu Uniformed Services Recruitment Board*** reported in **(2008) 2 CTC 97** wherein it was held that, a person acquitted on benefit of doubt or discharged in a criminal case, can still be considered as disqualified for selection to the police service, which is neither illegal nor unjustifiable. The decision of the Hon'ble Full Bench in ***Manikandan's case*** (cited supra) was affirmed by a Larger Bench of Five Judges of the Madras High Court in the case of ***J. Alex Ponseelan vs. the Director General of Police and others***.

4. After the pronouncements by the Hon'ble Five Bench on 27.02.2014, there has been a transgression on the law relating to the procedure to be adopted while conducting recruitment to the uniformed services.

5. In ***Joginder Singh vs. Union Territory of Chandigarh and others*** reported in **(2015) 2 SCC 377**, an honourable acquittal in the criminal case was carved out of the guidelines, as an exception to disqualification.

6. Later, in the case of ***Avtar Singh vs. Union of India and others*** reported in **(2016) 8 SCC 471**, non-disclosure of the

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involvement in a criminal case by a candidate at his/her young age or for a petty offence or cases that are trivial in nature, were recommended for condonation and was held that suppression of such involvement, could be ignored.

7. Likewise, in ***Commissioner of Police & others vs. Sandeep Kumar*** reported in **(2011) 4 SCC 644**, it was held that young people, aged about 20 years and less, often commit indiscretions and such indiscretions could be condoned, rather than to brand them as criminals for the rest of their lives.

8. In this background, it is realised that the law relating to the procedure to be adopted during Recruitment to the Uniformed Services have been time and again moderated by the Hon'ble Apex Court in these

decisions. Thus, the Recruitment Board are required to scrupulously apply the ratio laid down by the Hon'ble Supreme Court, while considering the candidatures of individual cases. However, this requirement has been ignored in the present cases.

9. One common feature evidenced in most of the decisions before the Hon'ble Apex Court was that the recruitment procedures for the Police Departments across the country were required to cross the stage of scrutiny by 'a Screening Committee' consisting of high ranking officials. Insofar as the Police Department of State of Tamil Nadu is concerned, such a 'Screening Committee' is absent and the Appointing Authority viz. Superintendents of Police of the respective Districts of Tamil Nadu or the Deputy Commissioners of Police in the metropolitan cities, scrutinize the candidatures.

10. When this Court was of the view that the presence of a Screening Committee would have facilitated evasion of indiscriminate rejections and called upon the respondents to explore the possibility of forming a Screening Committee, the learned Additional Advocate General, after obtaining instructions, produced a copy of the proceedings of Director General of Police in Rc.No.001455/Rect1 (2)/2021 dated 22.02.2021, stating that, for the process of recruitment of Grade II Police Constables in the State of Tamil Nadu is concerned, the Appointing Authority, namely the Superintendents of Police in the Districts of Tamil Nadu (or) the Deputy Commissioners of Police in the cities, play the role of a Screening Committee, whereby, they are required to cause police verification of the character and antecedents of the provisionally selected candidates; subject the candidates to medical examination through the Medical Board; scrutinize the records; and thereafter issue appointment orders. In view of the screening done by the Appointing Authority themselves, the Director General of Police, had expressed their inability to form a separate Screening Committee.

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11. This apart, the proceedings of the Director General of Police dated 22.02.2021 also states that the appointing Authorities, who play the role of the Screening Committee, have been instructed to consider the guidelines while dealing with the candidature of the applicants. The following are such of those guidelines:-

" ***7.*** *The following points should also be considered before issuance of the endorsement:-*

a. Every case has to be judged on its merit.

b. "Honourable acquittal" restores the right of individual. Hence honourable acquittal before the date of police verification means that the candidate must be considered favourably.

c. A case referred on "Mistake of Fact" has to be favourably viewed for the candidate.

d. Discharge on technical grounds (hostile witnesses) does not entitle the candidate for automatic clearance and the appointing authorities may still reject the candidature on ground of unsuitability to do the nature of the duty.

e. Suppression of involvement in a case still under investigation or trial or not ending in honourable acquittal is a ground sufficient for rejection of the candidate.

f. Petty cases should not lead to over penalization.

8. *It is also informed that the following types of candidates were considered for appointment to the post of SI of Police/Gr.II PCs on earlier occasions.*

i) The candidates acquitted honourably prior to Police Verification.

ii) The persons released under probation of offenders act were treated as not involved in a criminal case, in view of section 12 of the PO Act 1958 which stipulates that convicts released on Probation of Conduct Act or after admonition by the Court shall not suffer any disqualification attached to the conviction.

iii) The persons released under Juvenile Act were treated as not involved in a criminal case. Section 19 of the Juvenile Justice (Care and Protection of Children) Act 2000 which stipulates that a juvenile has committed an offence and has been dealt with under provision of this act shall not suffer disqualification, if any attached to conviction of an offence under such law.

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iv) If any political affiliation on the candidate comes to notice during the Police Verification, it will not be held against him, unless he is having other bad antecedents. However, he shall be instructed not to involved in such activities as per conduct rules.

v) The candidate whose names are deleted from the charge sheet.

vi) The cases treated as Mistake of fact prior to police verification.

vii) Some of the candidates involved in petty cases were considered.

viii) Accident cases were considered if the case was pending at the time of police verification and if there was no suppression of fact.

ix) The case in which the I.O registered the case against a minor candidates under IPC and not under Juvenile Justice Act, his case were considered for appointment.

x) The cases where fine was imposed upto Rs.2,000/- were considered.

9.*The date of Police Verification is the date on which the verifying Officer (i.e.Not below the rank of SI of Police) is Counter signing the verification Roll.*

10.*The persons who are acquitted under benefit of doubt (or) hostility of complainant will be treated as involved in criminal case and he will not be considered for appointment as per Rule 14(b) of TNSPSS Rules (or) Rule 13 of TNPSS Rules."*

12. The instructions of the Director General of Police also states that these guidelines are in accordance with the directions of the Hon'ble Supreme Court and the relevant rules and that the above guidelines "should" also be considered before issuance of the endorsement (i.e.) before rejection of a candidature. Thus, such guidelines are deemed to be mandatory and the Authority scrutinizing the applicants' candidatures, would have to necessarily abide by them.

13. Insofar as the cases involved in the present writ petitions are concerned, the candidature of the petitioners were rejected, on the ground that they were involved in criminal cases and their involvement have been suppressed either in the Application form or during verification roll or both.

14. One common feature in all these cases are that, when the petitioners herein have been acquitted from the criminal cases, the stand taken by the petitioners are that, the acquittal itself is an

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honourable acquittal. It is further submitted that in some of the cases, the offences for which the petitioners have been implicated are either petty offences or the case itself is trivial in nature. The learned Additional Advocate General, however, would submit that the judgment of acquittal are not honourable.

15. Clause 7(b) of the guidelines of the Director General of Police, dated 22.02.2021, mandates the Appointing Authorities to favorably consider the candidature of such persons, who have been honourably acquitted from the criminal cases. Clause 7(f) provides that the petty cases in which the candidates may have involved, should not lead to over penalization. Clause 8(i) pertaining to favorable consideration for candidates, who were honourably acquitted prior to police verification, were considered by the Recruitment Board on earlier occasions. Likewise, Clause 8(vii) was also invoked to grant favorable orders to candidates involved in petty cases.

16. However, in the instant cases, the concerned Superintendents of Police of various Districts in Tamil Nadu / Deputy Commissioners of Police in the cities, have not exercised their powers to verify as to whether the judgment of acquittal in favour of these petitioners, were honourable or not? Neither, was any step initiated to verify the nature of these offences as to whether they are petty or trivial in nature. Possibly to avoid these derelictions, some of the States in our Country have constituted "Screening Committees", consisting of top rank police officials, which is appropriate and imperative. This Court makes a strong recommendation to the Home Department of the Government of Tamil Nadu to consider formation of a 'Screening Committee' for its future recruitments in the Police Department.

17. The only ground for rejection of these candidates is for their involvement in the criminal case, which fact has not been disclosed either in the application or at the time of verification roll. As detailed in the earlier paragraphs, the rejection of the candidatures of the petitioners herein are against the guidelines of the Director General of Police dated 22.02.2021 and hence the action of rejection cannot be sustained.

18. Accordingly, there shall be a direction to the concerned Superintendents of Police of the various Districts in Tamil Nadu/ Deputy Commissioners of the cities, to whose jurisdiction the petitioners herein are subjected for the Common Recruitment Process – 2019 to re-scrutinize the petitioners' candidatures, in the light of the observations made in the present order and take further course of action, in the recruitment process, atleast within a

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period of six weeks from the date of receipt of a copy of this order.

19. The writ petitions stand allowed accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

1.The Director General of Police, Kamarajar Salai,
Chennai - 600 004.

2. The Superintendent of Police, Pudukottai District, Pudukottai.

3.The Member Secretary, TamilNadu Uniformed Services, Recruitment Board, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai - 600 008.

4. The Chairman, Uniformed Recruitment Service Board, Chennai

5. The Superintendent of Police, Theni Dist.

6. The Chairman Tamilnadu Uniformed Service Recruitment Board, No.807 P.D.V. Senkalvarayar Maligai, Anna Salai, Chennai-600 002

7. The Superintendent of Police, Office of the Superintendent of Police, Sivagangai Dist.

8. The Superintendent of Police, Thoothukudi District, Thoothukudi.

9. The Superintendent of Police, Office of the Superintendent of Police,
Virudhunagar District.

10. The Govt of Tamil Nadu, Rep. by Secretary, (Home) Police Department, Secretariat, Chennai - 600 009.

11. The Chairman/sub Committee, Tamilnadu Uniformed Service Recruitment Board, Egmore, Chennai - 8.

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12. The Superintendent of Police, Karur District , Karur.

13. The Inspector of Police, Thiruvegamputhur Police Station, Sivagangai Dist.

14. The Additional Director General of Police, Office of the Additional Director General of Police, Old Commissioner of Police Office Campus, Pantheon Road, Egmore, Chennai-600 008

15. The Superintendent of Police /the Sub Committee Chairman (Tnsurb), Office of the Superintendent of Police, Madurai Dist.

16. The Superintendent of Police, Dindigul, Dindigul Dist.

17. The Superintendent of Police, Madurai District , Madurai.

18. The Superintendent of Police, Office of the Superintendent of Police, Ramanathapuram District.

19. The Superintendent of Police,
O/o.The Superintendent of Police, Tirunelveli District.

+2cc to M/s.P.YASMIN BEGUM, Advocate, SR No.15560,15561
+1cc to Mr.B.SARAVANAN, Advocate, SR No.15586
+3cc to Mr.A.BALAJI, Advocate, SR No.15741,15742,15743
+1cc to Mr.R.SUNDAR SRINIVASAN, Advocate, SR No.15764
+1cc to Mr.S.GOKUL RAJ, Advocate, SR No.15664
+1cc to Mr.M.KANNAN, Advocate, SR No.15900
+1cc to Mr.T.LAJAPATHIROY, Advocate, SR No.16009
+1cc to M/s.Special Government Pleader, SR No.16034

W.P.(MD)Nos.11930 of 2020...etc (batch)
09.04.2021

KK(25.05.2021) 17P 31C

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