



WEB COPY



WP No.265 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.265 of 2018

S.Hemanathan

..

Petitioner

VS.

1.The Director General of Police,
O/o.The Director General of Police,
Chennai – 600 004.

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

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation dated 06.11.2017 for being appointed to the post of Grade II Police Constable.

For Petitioner

: Mr.A.R.Sakthivel
(Change of Vakalat given)

For Respondents

: Mr.S.Rajesh,
Government Advocate.



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ORDER

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The relief sought for in the present writ petition is to direct the respondents to dispose of the representation submitted by the petitioner on 06.11.2017.

2. The petitioner has submitted an application for recruitment to the post of Grade II Police Constable for the year 2017-2018. The petitioner participated in the written examination and physical efficiency test and called for viva voce, however, he was not selected.

3. The counter filed by the second respondent reveals that during the verification of character and antecedents, the Competent Authorities found that a criminal case was registered against the writ petitioner in Crime No.85 of 2015 under Sections 147, 148, 294(b), 352, 324, 506 (ii) IPC r/w Section 149 IPC at Arambakkam Police Station. Thus the Authorities found that the character and antecedents of the writ petitioner was not satisfactory and accordingly rejected the candidature of the writ petitioner.



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4. The writ petitioner states that he filed Criminal OP No.22451 of 2017 to quash the FIR filed against the writ petitioner. Based on the compromise arrived between the defacto complainant and the writ petitioner, the FIR was quashed and therefore, it was not on the ground of merits.

5. Even in case the criminal case ended with an order of acquittal or quashed by the Courts on technical grounds or even on merits, then also verification of character and antecedents are the prerogative of the Competent Selection Committee or the Authorities. Independent verification of character and antecedents for selection to Uniformed Services are of paramount importance. The eligibility being the criteria under the Rules, the Authorities Competent beyond the registration of criminal case can verify the same by conducting an enquiry or otherwise.

6. In the present case, the petitioner had involved in a criminal case. The FIR was quashed on account of the compromise entered into between the defacto complainant and the writ petitioner and the said



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criminal case was not decided on merits. Even in case, where the criminal case was ended with an order of acquittal, that will not be a ground to claim appointment as a matter of right and the verification of character and antecedents are the prerogative of the Competent Authorities, which is done by conducting an appropriate enquiry.

7. This being the principles to be followed for the purpose of selection, this Court do not find any infirmity in respect of the decision taken by the Competent Authorities in not selecting the writ petitioner for appointment to the post of Grade II Police Constable.

8. Accordingly, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
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S.M.SUBRAMANIAM, J.



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