



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.916 of 2020
and
W.M.P(MD)No.698 of 2020

A.Suresh

... Petitioner

Vs

1.The Director General of Police,
State Head Quarters,
Chennai -4.

2.The Chairman,
The Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai

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

4.The Inspector of Police,
Nainarkvoil Police Station,
Ramanathappuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records relating to the impugned order vide C.No.A3/29573/2017, dated 24.10.2019 on the file of the third respondent and quash the same as illegal and consequently direct the respondents 1 to 3 to issue an appoint of order the petitioner to the post of Grade-II Police constable for the year 2017.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
assisted by Mr.S.Saji Bino,
Special Government Pleader



ORDER

This writ petition has been filed challenging the order dated 24.10.2019 rejecting the petitioner's candidature and for a consequential direction to issue appointment in the common recruitment of Gr.II Police Constables, Gr.II Jail Warders and Firemen, 2017.

2.The application of the petitioner was rejected on the ground of the petitioner's involvement in the criminal case and suppression of the same.

3.The learned Counsel for the petitioner submits that the petitioner has submitted his application on 13.02.2017. The police conducted verification on 15.09.2017 and the FIR was registered on 23.09.2017 and therefore, there is no suppression on the part of the petitioner at any point of time.

4.The learned Additional Advocate General appearing for the respondents submits that in Crime No.230 of 2017 on the file of the Nainarkoil Police Station, Ramanathapuram District under Section 147, 148, 294(b), 341, 324 and 506(ii) IPC, the petitioner is arrayed as A-3. Apart from this, the petitioner has involved in Crime No.233 of 2021 under Section 107 CrPC. The learned Additional Advocate General further submits that the case was registered in the year 2017. However, while submitting the application, the petitioner has not disclosed the registration of the case, even at the time of police verification, he has not informed the same and the case ended in acquittal on 16.12.2021. Further, before giving appointment, the registration of criminal case came to the notice of the respondents.

5.The learned Additional Advocate General further submits that as per Rule 14(b)(ii) and (iv) of the Tamil Nadu Special Police Subordinate Services, no person shall be eligible for appointment to the service by direct recruitment unless, he satisfies the appointing authority that his character and antecedents are such as to qualify him for such service that he has not involved in any criminal case and as such the persons involved in the criminal case are not appointed to the post of Gr.II Police Constable.

6.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

7.The petitioner claims that he has submitted the application on 13.02.2017 and the case in Crime No.230 of 2017 was registered on 23.09.2017 nearly after a period seven months. The police verification was done on 15.09.2017. Therefore, there is no suppression on the part of the petitioner. According to the respondents, the petitioner has not disclosed the criminal case at any point of time.



8.Perusal of the records show the candidature of the petitioner was rejected vide order dated A3/9645/2017, dated 24.10.2017 on the ground of suppression of the registration of criminal case and the involvement of the petitioner in a criminal case. Challenging the same the petitioner earlier filed a writ petition before this Court in W.P(MD)No.12405 of 2018 and this Court partly allowed the writ petition by remanding the matter for reconsideration on the ground that there was no occasion for the petitioner to disclose the criminal case. Accordingly, the respondents reconsidered the case of the petitioner and rejected his candidature once again vide the impugned order dated 29.10.2019.

9.Already this Court has given finding that there was no occasion for the petitioner to disclose the registration of the criminal case and there is no dispute in it. However, according to the learned Additional Advocate General as per Rule 14(b)(ii) and (iv) of the Tamil Nadu Special Police Subordinate Services, no person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority that his character and antecedents are as such to qualify him for such services and that he has not involved in any criminal case and as per the said Rule, no person involved in the criminal case was appointed to the post of Grade II constable. As on the date of rejection, the criminal case was pending against the petitioner and only of late, it ended in acquittal on 16.12.2021. Therefore, there is no reason to interfere with the impugned order.

10.In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions is also dismissed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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

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KG(CO)
TR(21.03.2022) 4P 5C