



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM:

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

W.P (MD)No.2012 of 2022

T.Sivakumar

: Petitioner

Vs.

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

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai.

3.The Director General of Police,
Office of the Director General of Police,
Tamil Nadu, Chennai - 600 004.

4.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi, Tenkasi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of certiorarified mandamus calling for the records relating to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.No.A4/27928/2021, dated 07.01.2022 and quash the same as illegal and consequently to direct the respondents to consider the name of the petitioner for the appointment to the post of Grade-II Police Constable within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan,
for M/s.Ajmal Associates

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



ORDER

This writ petition has been filed challenging the rejection of the petitioner's candidature in the recruitment of Grade II Police Constable, 2020.

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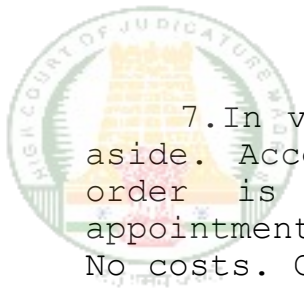
2.The learned Senior Counsel for the petitioner submits that in pursuance of the notification No.1/2020, dated 17.09.2020, for recruitment to the post of Grade-II Police Constable, Grade II Jail Warden and Fireman for the year 2020, the petitioner has applied for the said post and successfully completed the written examination and physical endurance tests and he was provisionally selected for the said post. While so, vide impugned proceedings, the fourth respondent has rejected the petitioner's candidature on the ground that the petitioner failed to disclose the case registered against him in Crime No.591 of 2017 on the file of the Town Police Station, Tirunelveli District.

3.The learned Senior Counsel for the petitioner further submits that the petitioner was unaware of the registration of the case in Crime No.590 of 2017 on the file of the Town Police Station, Tirunelveli. The said case was registered on 03.11.2017 under Section 151 CrPC and it was referred as 'action dropped' on the same day itself. However, by referring the said case, the petitioner's candidature has been rejected that the petitioner has failed to disclose his involvement in a criminal case.

4.The learned Additional Advocate General appearing for the respondents submits that the case in Crime No.590 of 2017 was registered under Section 151 CrPC on 03.11.2017 and it was also closed as action dropped on the same day. The learned Additional Advocate General further fairly submits that there is no material to show that the petitioner was arrested or he was aware of the registration of the case registered against him.

5.This Court paid its anxious consideration to the submissions made on either side and perused the materials placed on record.

6.The First Information Report is registered based on a complaint. Registration of the First Information Report as against a person, itself cannot be construed that the said person is an offender. The case in Crime No.590 of 2017 was registered under Section 151 CrPC, which is not defined as cognizable offence. Further, according to the learned Additional Advocate General, there is no material to show that the petitioner was aware of the registration of the said criminal case against him and therefore, it cannot be stated that the petitioner has suppressed the criminal case. Therefore, the rejection of the petitioner's candidature on the ground of suppression cannot be sustained in the eye of law.



7.In view of the above, the impugned order is liable to be set aside. Accordingly, the writ petition is allowed and the impugned order is set aside. The respondents are directed to issue appointment order to the petitioner, if he is otherwise eligible. No costs. Consequently, connected miscellaneous

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
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Egmore, Chennai.
- 2.The Member Secretary,
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Tamil Nadu, Chennai - 600 004.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi, Tenkasi District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4616[F] dated 07/02/2022)

+1 CC to M/s.SPL.GP (SR-4504[F] dated 07/02/2022)

W.P (MD) No.2012 of 2022

04.02.2022

RK(18/03/2022) 3P 7C