



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.2468 of 2022andW.M.P(MD)Nos.2168 and 2169 of 2022

D.Paulraj

:Petitioner

.vs.

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,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition 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 in Na.Ka.No.A4/9603/2021 dated 04.01.2022 on the file of the second respondent and quash the same as 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 Court.

For Petitioner

:Mr.T.Lajapathi Roy

For Respondents

:Mr.Veera Kathiravan,
Additional Advocate General
assisted by Mr.N.Satheesh Kumar,
Additional Government Pleader

O R D E R

The order of rejection rejecting the candidature of the writ petitioner for selection to the post of Grade-II Police Constable is under challenge in the present writ petition.

2.The order impugned states that a criminal case was registered against the writ petitioner and he was acquitted from the criminal charges. However, on verification of antecedents, the authorities found that the petitioner is not fit for selection to the post of Grade-II Police Constable.

<https://hcservices.courts.gov.in/hcservices>

3.The petitioner pursuant to the recruitment notification of the year 2020 submitted his application and participated in the

written examination. The petitioner is an Ex-serviceman and he was successfully in the written examination and he participated in the physical verification Test and Endurance Test. At the time of verification of antecedents and certificates, the authorities found that a criminal case was registered against the writ petitioner and he was acquitted under Section 248(1) Cr.P.C., from the offence under Sections 341 and 324 IPC.

4.The learned counsel for the petitioner mainly contended that even the petitioner has participated in the earlier selection process and he was not selected and therefore, he filed a writ petition also in W.P(MD)No.17957 of 2020. In the said case, the order of rejection was set aside and the the matter was remanded back for considering the candidature of the petitioner in the next process of selection. Accordingly, the petitioner has submitted an application in the recruitment process of the year 2020 and the process concluded in the year 2021.

5.The learned counsel for the petitioner mainly contended that the impugned order is cryptic in nature and the reasons regarding the suitability and eligibility has not been furnished and therefore, the order has to be set aside and the matter to be remitted back for fresh consideration. The learned counsel for the petitioner relied on the judgment of the Hon'ble Division Bench of this Court and reiterated that the authorities competent are bound to consider the eligibility, suitability and antecedents and if there is any other adverse remarks that is to be stated in the order impugned.

6.The learned Additional Advocate General appearing for the respondents objected the said contentions by stating that even in the present selection, the petitioner has suppressed the fact regarding the registration of the criminal case intentionally. He has filled-up the column stating that "No". Therefore, he is not entitled for any further consideration. Regarding the antecedents is concerned, the authorities are verified and they have stated the criminal case, when the authorities relied on the criminal case, they have considered the same and formed an opinion and rejected the candidature of the writ petitioner and therefore, there is no infirmity as such.

7.The learned Additional Advocate General appearing for the respondents furnished a copy of the application submitted by the petitioner for the Common Recruitment of the year 2020, wherein in the column Additional Details, the writ petitioner has stated as under:

"Additional Details/கூடுதல் விவரங்கள்
WHETHER ANY CRIMINAL CASE HAVE
BEEN FILED AGAINST YOU?/உம்மீது

ஏதேனும் குற்ற வழக்கு பதிவு செய்யப் பட்டுள்ளதா?

- No

HAVE YOU APPEARED FOR ANY PREVIOUS
RECRUITMENT CONDUCTED BY TNUSRB?/

இக்குழுமத்தால் நடத்தப்பட்ட முந்தைய தேர்வுகளில்
 பங்குபெற்றுள்ளீரா?

- No



With reference to the registration of a criminal case, the petitioner stated "No" and even with reference to the earlier participation, the petitioner has not stated the correct answer.

8. This Court is of the considered opinion that the candidate, who has suppressed certain facts which are relevant for consideration, is not entitled to participate in the process of selection. Even in the second column, the petitioner, in respect of his participation in the earlier recruitment, said "No". Such an answer is undoubtedly not a mistake and therefore, this Court is of an opinion that the petitioner has suppressed the facts regarding the registration of the criminal case and further suppressed the facts that he had participated in the earlier process of selection and with reference to the said process of selection, he filed a writ petition in W.P(MD)No.17957 of 2020.

9. This being the factum, this Court is of the considered opinion that the petitioner is not entitled for any relief. In respect of the verification of antecedents, suitability and eligibility, it is the subjective satisfaction of the Competent Selection Committee and the scope of the judicial review is very limited and therefore, the writ petition is devoid of merits and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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,
Kanyakumari District.

+1 CC to M/s. T. LAJAPATHI ROY, Advocate (SR-8571[F] dated 25/02/2022)
+1 CC to M/s. SPL GP (SR-8742[F] dated 25/02/2022)

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and

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