



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.02.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD) No.2932 of 2022

and

W.M.P.(MD) No.2562 of 2022

V.Ajithkumar

... Petitioner

-vs-

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

2.Tamil Nadu Uniform Service Recruitment Board,  
Rep., by its Member Secretary,  
Chennai.

3.The Superintendent of Police,  
Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 3<sup>rd</sup> respondent in his proceedings in Na.Ka.No.A2/24400-5/2020 dated 06.01.2022 and quash the same and direct the respondents to issue appointment order to the petitioner for the post of Grade II Police Constable as per the marks obtained by the petitioner in the selection process notification No.1 of 2020 dated 17.09.2020.

For Petitioner : Mr.K.Hemakarathikeyan

For Respondents : Mr.Veerakathiravan,  
Additional Advocate General  
assisted by Mr.A.K.Manikkam,  
Special Government Pleader

O R D E R

The order dated 06.01.2022 rejecting the application submitted by the petitioner for recruitment to the post of Grade-II Police Constable is under challenge in the present writ petition.

2.Tamil Nadu Uniform Service Recruitment Board issued a notification to fill up the post of Grade-II Police Constable, Grade-II Jail Warden and Fireman for the year 2020 on 17.09.2020 in Notification No.1/2020. The last date for submission of application was 26.01.2020.



3.The petitioner states that he is fully qualified and submitted his application through online on 16.10.2020. He participated in the written examination and reached the zone of consideration. The petitioner was called for to appear for certificate verification and for other physical verification test. The certificates were verified and the petitioner was successful in all the tests including the physical and endurance test. At the time of verification of conduct, eligibility and suitability, the authorities found that two criminal cases were registered against the petitioner.

4.The learned counsel for the petitioner mainly contended that the FIR was registered for the offence under Section 144 of Criminal Procedure Code and more specifically, during pandemic lock down. The petitioner has not involved in any serious offence and while proceeding to the medical store to purchase medicine, a case was registered.

5.The learned counsel for the petitioner further states that the petitioner was not aware of the registration of the criminal cases. Therefore, such minor offences cannot be construed as a bar for the purpose of securing public appointments. The learned counsel for the petitioner however said that the fact regarding the registration of criminal cases was not stated in the application in view of the petitioner's ignorance, but not otherwise.

6.Learned Additional Advocate General appearing on behalf of the State objected the contention by stating that lack of knowledge is incorrect. The petitioner was arrested on 16.05.2020 and subsequently was released on execution of bond. Therefore, the very statement that the petitioner had no knowledge is unacceptable. Once a person is arrested and he executed a bond in the police station, he cannot plead innocence regarding the registration of the criminal cases. Further, the petitioner admittedly has not informed about the registration of two criminal cases in the application form sent to the respondents. Therefore, the petitioner has suppressed the fact wantonly and willingly and therefore, he was disqualified. Thus, there is no infirmity as such in respect of the impugned order passed.

7.This Court is of the considered opinion that suppression of material fact is a ground for rejection of the application. No person can plead ignorance in ordinary circumstances, when a criminal case was registered. However, in the present case, the learned Additional Advocate General brought to the notice of this Court that the petitioner was arrested on 16.05.2020 and two criminal cases were registered against him and he executed a bond for release. Under those circumstances, the petitioner was very much aware of the registration of two criminal cases against him and therefore, he has suppressed the fact in the application form submitted for the purpose of participating in the recruitment process for appointment to the post of Grade-II Police Constable.



8.Regarding the suppression, the Courts have consistently held that any application form submitted seeking public employment must contain all necessary factual materials which all are sought for in the application. In the event of any suppression, or otherwise, it is to be construed as a disqualification to participate in the process of selection. The issues in this regard, are settled by the Courts in catena of judgments. Suppression of facts lead to disqualification mainly on the ground that a person, who seeks a public employment, is expected to inform all the material facts as per the informations sought to be provided in the application. When two criminal cases were registered against the writ petitioner and he was arrested on 16.05.2020 and released on execution of a bond, there is no reason to accept the statement of the petitioner that he was not aware of the fact regarding the registration of the criminal case.

9.Beyond the selection process, verification of conduct, eligibility and suitability are all paramount importance, as in the present case, the recruitment is for the Uniform Service. Therefore, utmost integrity and good conduct is of an important factor, as these Uniform Service Personnel are bound to deal with the arms and ammunition while performing their duty. Thus, the authorities are expected to conduct thorough verification of previous conduct, eligibility and suitability in order to ensure utmost discipline in Uniform Service. These being the principles to be followed, the petitioner is not entitled for the relief as such sought for and the reasons stated in the impugned order are in consonance with the settled legal principles and there is no infirmity as such.

10.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

abr

To

1.The Secretary to Government,  
The State of Tamil Nadu,  
Home Department,  
Secretariat, Chennai.



2.Tamil Nadu Uniform Service Recruitment Board,  
Rep., by its Member Secretary,  
Chennai.

3.The Superintendent of Police,  
Trichy District.

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate ( SR-6378[F] dated  
16/02/2022 )

+1 CC to M/s.SPL GP ( SR-6172,6214[F] dated 15/02/2022 )

+1 CC to M/s.V.PANNEER SELVAM, Advocate ( SR-6278[F] dated  
15/02/2022 )

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