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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.3416 of 2022

and

W.M.P(MD)No.2989 of 2022

S.Saravanan

:Petitioner

.vs.

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee Chenglvaraya Naicker Maligai,
Anna Salai, Chennai-600 002.
- 2.The Director General of Police,
O/o.Director General of Police Head Office,
Chennai-04.
- 3.The Superintendent of Police,Trichy District,
Trichy. : 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 impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.A2/24400-8/2020 dated 06.01.2022 and quash the same as illegal and consequently, direct the respondents to appoint the petitioner as Grade II Police Constable in the Common Recruitment of Grade II Police Constable/Grade-II Jail Warders/Fireman-2020.

For Petitioner :Mr.Sarvagan Prabhu
For Respondents :Mr.Veerakathiravan,
Additional Advocate General
assisted by
Mr.A.K.Manickam,
Special 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 writ petition.

2.The writ petitioner submitted his application for selection to the post of Grade-II Police Constable and participated in the

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



process of selection. He was successfully in the written examination and allowed to participate in the physical verification test and endurance test. At the time of verification of certificates, the authorities found that a criminal case was registered against the petitioner and he was acquitted from the criminal case.

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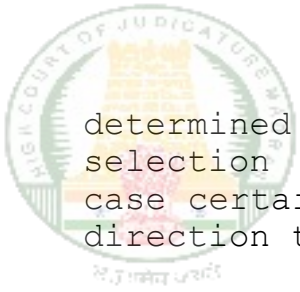
3.The learned counsel for the petitioner reiterated that the said criminal case ended with an order of acquittal and therefore, the petitioner is fully qualified for selection to the post of Grade-II police constable. No other criminal case or otherwise is pending against the petitioner and he has fully qualified for selection to the post of Grade-II Police Constable.

4.The learned Additional Advocate General appearing for the respondents opposed the contention by stating that the petitioner has suppressed the facts regarding the registration of the criminal case in the original application form submitted, pursuant to the recruitment notification. However, he was acquitted on the benefit of doubt and therefore, acquittal cannot be taken into consideration for the purpose of selection to the post of Grade-II police constable. When the fact regarding the criminal case was suppressed in the application and only during the verification, the petitioner has disclosed the criminal case, the petitioner is not entitled for selection to the post of Grade-II police Constable.

5.This Court is of the considered opinion that mere acquittal in a criminal case is not a ground to issue a direction in a writ proceedings to select the petitioner as Grade-II Police Constable in Tamil Nadu Police Service. Selection Committee is empowered with reference to the rules in force for assessing the merits, suitability and eligibility of the candidates. Therefore, acquittal in a criminal case is not the only factor for selection and based on such acquittal, the High Court cannot issue a direction to select the candidate for appointment to the post of Grade-II Police Constable.

6.Selection committee is empowered to assess the eligibility and suitability of the candidate. All such factors are to be considered by the Selection Committee and suitability, eligibility must be ascertained not only based on the acquittal, but also by verifying the conduct behaviour and antecedents etc., of the candidates. The post of Grade-II Police Constable being an uniformed service, the eligibility and suitability is of paramount importance. Antecedents character and conduct are vital factors, as the uniformed personnel are handling arms and ammunitions. Thus, there cannot be any compromise in the matter of ascertaining the antecedents, eligibility and stability.

7.The High Court cannot interfere with the process of selection in a routine manner, eligibility and suitability cannot be



determined by the High Court in a writ proceedings in respect of selection for public post. Therefore, the acquittal in a criminal case certainly not a ground, under which, the High Court can issue a direction to the authorities to select the petitioner.

8.This apart the learned Additional Advocate General pointed out that the petitioner has suppressed the fact regarding the registration of the criminal case in his original application. However, he has disclosed subsequently during the verification which would disqualify the petitioner from the process of selection.

9.For all these reasons, the petitioner has not established any acceptable grounds for the purpose of considering the relief as sought for. The reasons stated in the order impugned is in consonance with the established principles and there is no infirmity. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS)

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To

1.The Chairman,

Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T.Lee Chenglvaraya Naicker Maligai,
Anna Salai, Chennai-600 002.

2.The Director General of Police,

O/o.Director General of Police Head Office, Chennai-04.

3.The Superintendent of Police,

Trichy District, Trichy.

+1 CC to M/s.S.SARVAGANPRABHU, Advocate (SR-8215[F] dated
23/02/2022)

+1 CC to M/s.SPL GP (SR-8344[F] dated 24/02/2022)

ORDER MADE IN
W.P(MD)No.3416 of 2022
and
W.M.P(MD)No.2989 of 2022
23.02.2022

smv (CO)

TR(24.03.2022) 3P 6C