



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3287 of 2022

and

W.M.P.(MD) Nos.2885 & 2886 of 2022

A.Jegadeesan

... Petitioner

Vs.

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

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

3.The Superintendent of Police,
Dindigul District,
Dindigul.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the impugned order passed by the third respondent in his proceedings in Na.Ka.No.A9/22111/344/2020 dated 09.01.2022 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 Constables/Grade-II Jail Warders/Firemen-2020.

For Petitioner : Mr.Sarvagan Prabhu

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

O R D E R

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



2. The writ petitioner participated in the process of selection for recruitment to the post of Grade-II Constable, pursuant to the recruitment notification issued by the respondents. He passed the written test and participated in the Physical Measurement and Endurance Test. However, at the time of verification of antecedents, the Competent Authorities found that a criminal case was registered as against the petitioner on the file of Vadamadurai Police Station in Crime No.34 of 2019 and subsequently, the case was taken on file in C.C.No.178 of 2021 by the Judicial Magistrate, Vedasendur.

3. The learned counsel appearing for the petitioner made a submission that the petitioner was acquitted in the criminal case and therefore, his case is to be considered for selection.

4. The order impugned reveals that the petitioner has not stated about the criminal case in the application, wherein, a column has been provided. Therefore, the petitioner has suppressed the fact regarding the criminal case registered against him. Secondly, the Authorities found that the verification of antecedents revealed that the eligibility and suitability of the writ petitioner for uniformed services are not satisfied.

5. This Court is of the considered opinion that the suppression of fact is a ground to reject the candidature and further, even in case of acquittal in a criminal case, the Authorities Competent, while conducting the process of selection, is empowered to verify the eligibility and suitability of a candidate for appointment to a particular post. The assessment of eligibility or suitability is the subjective satisfaction of the Competent Authorities, who are conducting the process of selection. The interference by the High Court in this area is certainly in narrow compass and in such process of selection, the Court would not interfere regarding the assessment made by the competent Authorities to select the candidates. However, if there is an allegation of malafide or certain serious allegations warranting interference, then alone, the writ needs to be entertained, but not otherwise.

6. Therefore, the suppression of fact is one aspect of the matter and, suitability and eligibility of the candidates to the satisfaction of the Recruiting Authority is another matter which is also to be considered. When the petitioner has not satisfied both conditions, there is no infirmity in respect of reasonings stated in the order impugned. Therefore, the petitioner has not established any acceptable legal ground for the purpose of interfering with the order impugned.



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7. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar (CS)

ssb

To

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Anna Salai, Chennai-600 002.

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

3.The Superintendent of Police,
Dindigul District,
Dindigul.

+1 CC to M/s.SPL GP (SR-8106[F] dated 23/02/2022)

+1 CC to M/s.S.SARVAGANPRABHU, Advocate (SR-7894[F] dated
22/02/2022)

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RK(04/03/2022) 3P 6C