



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3592 of 2020
W.M.P (MD) .No.3032 of 2020

R.Vilvaraj

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai-600 004.

2.Tamil Nadu Uniformed Services Recruitment Board,
Rep.by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

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

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus, calling for the records on the file of the third respondent in connection with the impugned order of rejection passed by him in his proceedings in C.No.A3/29577/2017 dated 15.07.2019 and quash the same as illegal and arbitrary and consequently, direct the respondents to appoint the petitioner in the post of Grade-II Police Constable or Grade-II Jail Warden/Fireman on par with his batchmates recruited in the year 2017 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.Veera Kathiravan,
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 recruitment to the post of Grade-II Police Constable is under challenge in the present Writ Petition.

2. The petitioner participated in the process of selection and he was successful in the written examination. The petitioner was allowed to participate in the physical verification test and Endurance test. On verification of antecedents, the Competent Authorities of the Police Department found that the petitioner has suppressed the fact regarding the pendency of the criminal case against him in Crime No.36 of 2015 for the offence under Sections 279, 337 of IPC dated 27.01.2015, more specifically, he was released on bail. Further, the petitioner was convicted and sentenced to pay a sum of Rs.500/- on 11.12.2015 as fine.

3. The learned Additional Advocate General made a submission that the petitioner has suppressed the criminal case in the application itself. The petitioner being a convicted person, is not entitled for selection to the post of Grade-II Police Constable in Uniformed Services. Even recently, the Hon'ble Supreme Court of India in the case of **Commissioner of Police vs. Raj Kumar** in C.A.No.4960 of 2021 dated 25.08.2021 held as follows:-

26. Courts exercising judicial review cannot second guess the suitability of a candidate for any public office or post. Absent evidence of malice or mindlessness (to the materials), or illegality by the public employer, an intense scrutiny on why a candidate is excluded as unsuitable renders the courts' decision suspect to the charge of trespass into executive power of determining suitability of an individual for appointment. This was emphasized by this court, in M.V. Thimmaiah v. Union Public Service Commission⁷ held as follows:

"21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an Appellate Authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion..."



victims, in rural settings, can also be indicative of caste or hierarchy-based behaviour. Each case is to be scrutinized by the concerned public employer, through its designated officials- more so, in the case of recruitment for the police force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security."

4. This Court is of the considered opinion that the verification of suitability, eligibility and antecedents are of paramount importance. The decision of the Selection Committee in this regard becomes final. High Court cannot interfere with the decision of the Selection Committee regarding the assessment of suitability, eligibility and verification of the antecedents. Once it is found that the petitioner has involved in a criminal case, he was convicted and sentenced to pay the fine, this Court do not find any infirmity in respect of the order impugned rejecting the candidature of the petitioner.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-600 004.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-600 008.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-14198[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14259[F] dated 24/03/2022)

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MGJ(01.04.2022) 4P 6C