



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3987 of 2022

R.Sujin

... Petitioner

-vs-

Superintendent of Police,
District Police Office,
Nagercoil,
Kanyakumari District.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in Na.Ka.No.A4/9603/2021 dated 04.01.2022 on the file of the Respondent and quash the same as illegal and consequently to direct the respondent to appoint the petitioner in any one of the posts in the cadre of Grade II Police Constable within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondent : Mr.N.Satheesh Kumar,
Additional Government Pleader.

O R D E R

The order of rejection dated 04.01.2022, rejecting the candidature of the petitioner for selection to the post of Grade II Police Constable is under challenge in the present writ petition.

2.The petitioner, pursuant to the Recruitment Notification issued by the respondent, participated in the process of selection. He was successful in the written examination and allowed to participate in the physical verification test and endurance test. At the time of verification of certificates, the Selection Committee rejected the case of the writ petitioner on the ground that two criminal cases were registered against the petitioner and they were quashed by this Court on account of the compromise entered between the defacto complainant and the accused person.



3.This Court is of the considered opinion that assessment of a candidate with reference to antecedents, suitability and eligibility is the power conferred on the Selection Committee. Such an assessment cannot be interfered with the High Courts in a routine manner unless, the selection is tainted with *mala fides*, fraud or corrupt activities. The decision of the Selection Committee became final regarding the assessment of merits, verification of antecedents and ascertaining the suitability and eligibility of the candidates. High Court is not an expert body to assess the suitability and eligibility. Therefore, mere quashing of the criminal charges would not be sufficient enough to form an opinion that a candidate is suitable and eligible for uniformed services. However, it is for the authorities to form an opinion regarding the antecedents.

4.The learned counsel for the petitioner made a submission that the allegations in the criminal cases are petty in nature and there was a compromise and they were quashed. Therefore, registration of criminal case would not be a bar for selection. It is contended that the criminal cases were registered at the age of 19 years and therefore, the criminal cases cannot be considered as a bar for selection to the post of Grade II Police Constable.

5.The learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court in the case of **Commissioner of Police and Others vs. Sandeep Kumar [C.A.No.1430 of 2007 dated 17.03.2021]**. The relevant paragraph is as follows:-

"When the incident happened the respondent must have been about 20 years of age. At that age young people often commit indiscretions, and such indiscretions can often been condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Hence, our approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives."

6.This Court is of the considered opinion that it is an observation made by the Hon'ble Supreme Court of India. However, such observations cannot be a bar for the Selection Committee to assess the over all suitability and eligibility of the candidates. No doubt, authorities competent are bound to consider various aspects while assessing the eligibility and suitability of the person, but the High Court cannot offer any opinion in the matter of selection more specifically to uniformed services, as it involves various criteria. Therefore, mere observation by the Hon'ble Supreme Court regarding the conduct of youth cannot be a ground to issue a direction to select the petitioner. In fact, the Hon'ble Supreme Court and the Full Bench of the Madhya Pradesh High Court



has elaborately considered the issues and those judgments are as follows:-

(i) **Union Territory, Chandigarh vs. Pradeep Kumar [(2018) 1 SCC 797];**

(ii) **Commissioner of Police, New Delhi and Another vs. Mehar Singh [(2013) 7 SCC 685];** and

(iii) **Ashutosh Pawar vs. High Court of M.P. & another [2018 (1) CTC 353].**

7. In view of the facts and circumstances, this Court is of the considered opinion that the respondent has assessed the eligibility and suitability of the petitioner for selection to the post of Grade II Police Constable and the uniformed services require meticulous assessment, as they are dealing with arms and ammunitions. There cannot be any compromise in the matter of verification of antecedents and integrity and also the conduct of the persons. These being the principles to be followed, the relief as such sought for in the present writ petition to select the writ petitioner cannot be granted, since the decision of the authorities rejecting the candidature of the petitioner is in consonance with the established principles of law.

8. With the above observations, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Abr

To

Superintendent of Police,
District Police Office,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-10351[F] dated 07/03/2022)

+1 CC to M/s.S.LOUIS, Advocate (SR-10469[F] dated 07/03/2022)

W.P. (MD) No.3987 of 2022

04.03.2022

—

TR(18.03.2022) 3P 4C