



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3903 of 2022

R.Suresh

... Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein in his proceedings in Na.Ka.No.A4/27928/2021 dated 09.01.2022 and quash the same and consequently to provide an appointment to the petitioner to the post of Common Recruitment for the post of Grade II PC(AR and TSP), Jail Warder and Firemen 2020 in the 2nd respondent police.

For Petitioner	:	Mr.K.Hema Karthikeyan
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 of the candidature of the petitioner for recruitment to the post of Grade-II Police Constable in proceedings dated 09.01.2022 is under challenge in the present Writ Petition.

2. The petitioner, pursuant to the recruitment notification, submitted an application to participate in the process of selection to the post of Grade-II Police Constable. The petitioner was succeeded in the written examination and he was permitted to participate in the physical test. At the time of certificate verification, the Authorities Competent rejected the candidature of the petitioner on the ground that the petitioner was acquitted in a criminal case on benefit of doubt and further on the ground of



suppression of fact.

3. The learned counsel appearing for the petitioner, relying on the application submitted by the petitioner, reiterated that there is no suppression of fact as the petitioner himself in his application submitted through online has stated that a criminal case was registered against him and he was acquitted from the criminal case. Therefore, the Authorities Competent has rejected the candidature of the petitioner only on the ground that the criminal case registered against him ended with an order of acquittal on benefit of doubt.

4. The learned Additional Advocate General reiterated that an acquittal on benefit of doubt is not a ground to select a candidate for appointment to the post of Grade-II Police Constable.

5. The learned counsel appearing for the petitioner made a submission that once the candidate is acquitted, atleast his case is to be considered for selection as there is no stigma as against the petitioner as on date.

6. This Court is of the considered opinion that the scope of judicial review in selection process is limited. The Court can interfere with the process of selection, if such selection process is tainted with mala fide or corrupt activities are established or if any violation of recruitment rules are identified, but not otherwise. Regarding the assessment of the candidates, it is the prerogative of the selection committee. The selection for uniformed services is to be done cautiously as the uniformed personnels are dealing with arms and therefore, suitability and eligibility and antecedents of the candidates play a pivotal role for forming an opinion by the Higher Authorities. Therefore, it is for the Authorities to consider all these aspects and the Court not being a expected body, cannot offer any opinion in the matter of assessment of a candidate, more specifically, with reference to the suitability and eligibility for appointment to a particular post. Thus, even in case where a criminal case against a candidate ended with an order of acquittal, that cannot be a ground for the High Court to issue a direction to select a candidate. Beyond the scope of criminal case in respect of candidates, it is the prerogative of the selection committee to assess the candidate, based on the suitability and eligibility and accordingly, select the meritorious candidates. Thus, the criminal case may be a point for consideration to select a candidate, but the acquittal is certainly not a ground to issue a direction to consider a particular candidate for selection. All these material aspects are to be considered by the Selecting Authorities, not only the criminal case, but also the conduct in local area, antecedents and other aspects regarding the candidates are also to be verified by the Selecting Authorities for the purpose of selection. The overall opinion regarding the suitability and



eligibility is of paramount importance for the purpose of selecting a candidate.

7. Therefore, this Court is of the considered opinion that merely because the petitioner is acquitted from the criminal case, no direction needs to be issued to consider the case of the writ petitioner for selection. Whether there is a criminal case or not? is an issue to be considered, but that cannot be the sole criteria for selection of a candidate for uniformed services. This being the principles to be followed for selection, the power of judicial review under Article 226 of the Constitution of India cannot be extended so as to issue a direction to select a candidate merely on the ground that such candidate was acquitted from the criminal case. Thus, it is for the Authorities to make assessment in a proper manner and by following the Rules and Standards as prescribed, and verify the conduct and integrity of the candidates for selection to the uniformed services.

8. With these observations, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-8.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

+1 CC to M/s.SPL GP (SR-10154[F] dated 04/03/2022)

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-10237[F] dated 07/03/2022)

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03.03.2022

NSN(CO)

KB(15.03.2022) 3P 5C