



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4099 of 2022

and

W.M.P. (MD) No.3504 of 2022

S.Manoj Kumar

... Petitioner

vs.

The Superintendent of Police
Ramanathapuram District
District Police Office
Ramanathapuram

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the respondent pursuant to his impugned order in Na.Ka.No.A4/29578/2017 dated 28.10.2021 and quash the same as illegal and unlawful consequently direct the respondent to appoint the petitioner as Police Constable - Grade II.

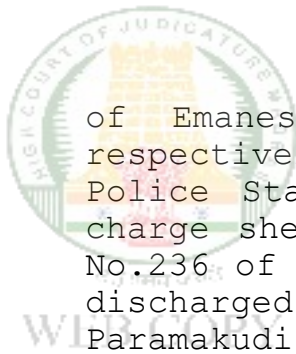
For Petitioner : Mr.Pooventhera Rajan.J.

For Respondent : Mr.A.K.Manikkam
Special Government Pleader

O R D E R

The order of rejection, dated 28.10.2021, issued by the respondent, rejecting the candidature of the petitioner for selection to the post of Police Constable Grade-II is under challenge in this writ petition.

2. The petitioner participated in the process of selection pursuant to the recruitment notification and was successful in the written examination. He was allowed to participate in the physical verification test and endurance test. During certificate verification, the Authorities found that the petitioner suppressed the fact regarding registration of criminal cases against him after submission of application. Two criminal cases were registered against the petitioner in Crime Nos.236 and 312 of 2017 on the file



of Emaneshwaram Police Station and Paramakudi Police Station respectively. In Crime No.312 of 2017 on the file of Paramakudi Police Station, the name of the petitioner was deleted from the charge sheet by the Investigating Officer and in respect of Crime No.236 of 2017, on the file of Emaneshwaram Police Station, he was discharged by the II Class Executive Magistrate / Tasildhar, Paramakudi, vide proceedings dated 14.09.2017.

3. However, the learned Special Government Pleader appearing for the respondent reiterated that the petitioner suppressed the factum regarding registration of criminal cases against him after submission of application during certificate verification and such suppression of material fact is a ground for rejection of the petitioner's candidature.

4. The Honourable Supreme Court in catena of decisions held that suppression of material facts by a candidate in the selection process is a ground for rejection of his candidature. Further, the petitioner earlier filed writ petitions and the matter was remanded back for consideration. Now, the Authorities have elaborately considered the facts and circumstances and found that the petitioner is not suitable and eligible for selection to the post of Grade-II Police Constable.

5. The assessment of suitability and eligibility with reference to the antecedents of the candidates is the prerogative of the Selection Committee. The power of judicial review in the matter of selection by the High Court is limited. The Selection Committee is the Authority Competent to assess the suitability and eligibility for considering the antecedents and character of the candidates as the selection is for Uniformed Services. When the Authority Competent found that the petitioner is not suitable and eligible for appointment, more so on the ground of suppression of facts regarding registration of criminal cases at the time of certificate verification, there is no reason to interfere with the impugned order of rejection.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

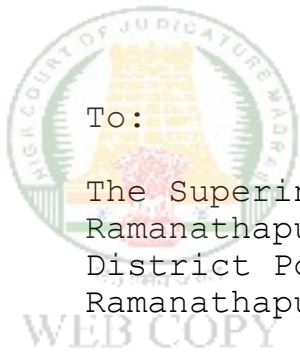
Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To:

The Superintendent of Police
Ramanathapuram District
District Police Office
Ramanathapuram

W.P. (MD) No.4099 of 2022
and
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RD(25.04.2022) 3P 2C