



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 5033 of 2022

and

W.M.P. (MD) No. 4121 of 2022

WEB COPY

P.Rajkumar

... Petitioner

Vs.

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

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

3. Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Member Secretary,
Egmore
Chennai - 600 008.

4. The Chairman Member,
Recruitment Sub-Committee,
Thoothukudi Centre,
Thoothukudi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings in A5/27441/310/2020 dated 07.01.2022 issued by the second respondent to quash the same and consequently direct the respondents to appoint the petitioner in the post of Grade-II Police Constable on the basis of final provisional selection list AR & TSP - General Published on 25.11.2021 vide No.R2/5757/2020.

For Petitioner : Mr.Kanimozhimathi

For Respondents : Mr.M.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 is under challenge in the present Writ Petition.



2. The petitioner participated in the process of selection for appointment to the post of Grade-II Police Constable, pursuant to the recruitment notification issued by the respondents. He was successful in the written examination. He was allowed to participate in the physical verification test and endurance test. At the time of verification of certificate, the Competent Authorities found that a criminal case was registered against him and the petitioner was acquitted on benefit of doubt.

3. Therefore, as per the rules, the Selection Committee assessed the suitability and eligibility, and formed an opinion that the petitioner is not suitable for appointment to the post of Grade-II Police Constable and accordingly, rejected his candidature.

4. This Court is of the considered opinion that mere acquittal in a criminal case need not be a ground for claiming selection. The selection *per se* would not confer any right on the candidate. Even selected candidates have no right to claim appointment. Only if an order of appointment has been issued, then alone, the right will be given to the individual, but not otherwise. Thus, the selection is the procedure which must be in accordance with the Rules in force. The Competent Selection Committee is empowered to assess the suitability and eligibility of the candidates. The suitability and eligibility are the subjective satisfaction of the Selection Committee and the High Court cannot interfere with the merit assessment made by the Expert Committee and power of judicial review in this area is undoubtedly limited. This process of selection may be challenged on limited ground, if it is tainted with malafide, fraud and corrupt activities. However, assessment of merit, suitability and eligibility by the Selection Committee is the prerogative of the Committee and such assessment cannot be interfered with by the Court merely on the ground that the petitioner was acquitted in a criminal case. The verification of antecedent plays a pivotal role for selection to the post of uniformed service. Therefore, all these aspects are to be verified before finalizing the selectees.

5. In the present case, the petitioner admittedly had involved in a criminal case and he was acquitted on benefit of doubt. Therefore, the Selection Committee considered all these aspects regarding antecedents, eligibility and suitability and formed an opinion that the petitioner is not eligible for selection to the post of Grade-II Police Constable. The said decision is in consonance with the Rules in force and there is no infirmity as such. Thus, the petitioner has not established any acceptable ground for the purpose of interfering with the order impugned.



6. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

1.The Director General of Police,
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Chennai - 600 004.

2. The Superintendent of Police,
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Thoothukudi.

3. The Member Secretary,
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4. The Chairman Member,
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Thoothukudi Centre,
Thoothukudi District.

+1 CC to M/s.KANINOZHIMATHI, Advocate (SR-13412[F] dated 22/03/2022)

+1 CC to M/s.SPL GP (SR-14223[F] dated 24/03/2022)

**W.P. (MD) No. 5033 of 2022 and
W.M.P. (MD) No. 4121 of 2022
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RD(04.04.2022) 3P 7C