



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.5792 of 2022

and WMP (MD) Nos.4608 and 4609 of 2022

WEB COPY

R.Dhesingu Raja

... Petitioner

Vs.

1.The Director General of Police,
O/o. The Director General of Police,
Chennai - 4.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in C.No.Estt.II(1)/26200/2020-1 dated 23.02.2022 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction directing the respondent No.2 to appoint the petitioner in the post of Grade II Police Constable within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman for
Mr.T.Lajapthi Roy

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

ORDER

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

2.The petitioner participated in the process of selection and was successful in the written examination. He was allowed to participate in the physical verification and endurance Test and during the verification of documents, the competent authority found that the petitioner suppressed the fact that in the application form regarding the criminal case registered against him, which was ended with an order of acquittal on account of benefit of doubt. In view of the said suppression, the authorities found that the petitioner is not suitable and eligible for the selection to the post of Grade II Police Constable.



3. The order impugned dated 23.02.2022 reveals that the order of acquittal on benefit of doubt is a disqualification for selection to the post of Grade II Police Constable as per Rule 14(b) of the Special Police Subordinate Service Rules. This apart the petitioner has suppressed the fact regarding the registration of the criminal case in the application form. Therefore, he is not entitled for any relief.

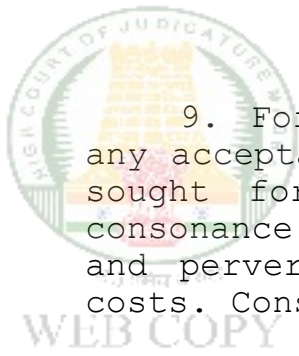
4. The learned counsel for the petitioner made a submission that the authorities have considered with reference to the orders of acquittal passed by the criminal Court of law. If the offences are trivial in nature, then there is no impediment for considering the candidate for selection to the post of Uniformed services.

5. This Court is of the considered opinion that mere acquittal in a criminal case is not a ground to issue a direction in a writ proceedings to select the petitioner as Grade-II Police Constable in Tamil Nadu Police Service. Selection Committee is empowered with reference to the rules in force for assessing the merits, suitability and eligibility of the candidates. Therefore, acquittal in a criminal case is not the only factor for selection and based on such acquittal, the High Court cannot issue a direction to select the candidate for appointment to the post of Grade-II Police Constable.

6. Selection committee is empowered to assess the eligibility and suitability of the candidate. All such factors are to be considered by the Selection Committee and suitability, eligibility must be ascertained not only based on the acquittal, but also by verifying the conduct behaviour and antecedents etc., of the candidates. The post of Grade-II Police Constable being an uniformed service, the eligibility and suitability is of paramount importance. Antecedents character and conduct are vital factors, as the uniformed personnel are handling arms and ammunitions. Thus, there cannot be any compromise in the matter of ascertaining the antecedents, eligibility and stability.

7. This being the principle to be followed, merely on factual grounds remanding the matter to the authorities would do no service to the cause of justice. Again the litigant will back again to the Court if not suitable and eligible for appointment to the post of police constable.

8. In the present case, the learned Special Government Pleader made a submission that the petitioner was involved in a criminal case and he suppressed the fact at the time of filling the application. This apart the order of acquittal was passed based on the benefit of doubt, which is a disqualification with reference to the said rules in force.



9. For all these reasons, the petitioner has not established any acceptable grounds for the purpose of considering the relief as sought for. The reasons stated in the order impugned is in consonance with the established principles and there is no infirmity and perversity. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Director General of Police,
O/o. The Director General of Police,
Chennai - 4.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District

+1 CC to M/s.SPL.GP. (SR-18563[F] dated 13/04/2022)

W. P. (MD)No.5792 of 2022

12.04.2022

RK(02/05/2022) 3P 4C