



W.P.(MD)No.6743 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.6743 of 2020
W.M.P(MD).Nos.6116 and 8131 of 2020**

K.Karthick

... Petitioner

Vs.

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

2.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai.

... 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 impugned order in Na.Ka.No.B1/4339/2020 dated 04.06.2020 and quash the same as illegal and consequently directing the respondent No.2 to appoint the petitioner in the post of Grade-II Police Constable within a time frame fixed by this Court.



W.P.(MD)No.6743 of 2020

For Petitioner : Mr.R.Chandrasekar
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order in Na.Ka.No.B1/4339/2020 dated 04.06.2020, quash the same as illegal and consequently, direct the respondent No.2 to appoint the petitioner in the post of Grade-II Police Constable within a time frame fixed by this Court.

2. The case of the petitioner is that he had applied for the post of Grade-II Police Constable pursuant to the recruitment notification for the year 2019 and he had participated in the written examination on 25.08.2019 and got successfully selected. The petitioner has participated in the physical and medical test conducted by the second respondent and in that, he was successfully passed. While so, the petitioner was called for an enquiry by the second respondent relating to a criminal case in Crime No.296 of 2015,



W.P.(MD)No.6743 of 2020

on the file of Ottakadai Police Station, Madurai under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, wherein the petitioner was arrayed as 5th accused. Subsequently, the petitioner has appeared before the 2nd respondent and explained the fact that the criminal case was quashed by the order of this Court in CrI.O.P(MD).No.13321 of 2015. However, the petitioner was not given appointment order and the other candidates, who participated in the physical and mental test, were given appointment orders. Hence, the petitioner made a representation on 17.05.2020 to the second respondent with a request to issue the appointment order to the post of Grade-II Police Constable. However, the second respondent on 04.06.2020 passed the impugned order rejecting the candidature of the petitioner on the ground of suppression of criminal case. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that it is purely a family dispute between him and his relatives and the criminal case was closed based on the compromise reached between the parties. Since the criminal case was closed prior to the Notification,



W.P.(MD)No.6743 of 2020

rejection of the candidature of the petitioner on the ground of suppression of criminal case is not sustainable one.

4. The learned Additional Advocate General appearing for the respondents would submit that the issue arising in the present writ petition is no longer *res-judicata*. With regard to the suppression of criminal case in the application, the similar issue came up for consideration before the Hon'ble Apex Court of India. The Hon'ble Apex Court in the case of ***Avatar Singh vs. Union of India and others*** reported in ***(2016) 8 SCC 471*** has categorically held that “non-disclosure or submitting false information would assume significance and that by itself may be ground for employer to cancel candidature or to terminate services”. In the present case, the petitioner has suppressed the criminal case in the declaration form itself and hence, the candidature of the petitioner was rejected.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.



W.P.(MD)No.6743 of 2020

WEB COPY

6. The issue involved in the present writ petition is no longer *res-judicata* which has already been decided by the Hon'ble Apex Court in ***Avtar Singh*** case (supra) and the said decision was followed by the Hon'ble Division Bench of this Court in W.A(MD).No.636 of 2022. In the present case, admittedly the petitioner has suppressed the criminal case in the application, based on which, the candidature of the petitioner was rejected. Hence, in view of the decision rendered by the Hon'ble Supreme Court of India and the judgment of the Hon'ble Division Bench of this Court, this Court has no reason to interfere with the impugned order of the 2nd respondent.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2022

Index : Yes / No

Speaking Order : Yes / No

ssb



W.P.(MD)No.6743 of 2020

To

WEB COPY

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



WEB COPY



W.P.(MD)No.6743 of 2020

M.DHANDAPANI,J.

ssb

W.P.(MD)No.6743 of 2020

20.12.2022