



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.12864 of 2020

Iniyavan Bharathi

... Petitioner

Vs.

1 The Director General of Police,
State Head Quarters Office, Chennai

2 Tamilnadu Uniform Services Recruitment Board,
Old Commissioner of Police Office,
Pantheon Road, Egmore, Chennai-08.

3 The Superintendent of Police,
Madurai,
Madurai District.

4 The Additional Director General of Police,
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-8.

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus, calling for the records pertaining to the order passed by the 4th respondent in proceedings No.3583/EW1/2017-9 dated 17.5.2018 and quash the same and direct the respondents to appoint the petitioner as a Grade II constable and disburse all other service and monetary benefits

For Petitioner : Mr.N.S.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 rejecting the candidature of the writ petitioner in proceedings dated 17.05.2018 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 Station. He was successful in the written examination and allowed to participate in the physical verification test and endurance test. At the time of verification, the Selection Committee rejected the candidature of the petitioner on the ground that the petitioner has suppressed the fact regarding the criminal case registered against him.

3. The learned Additional Advocate General made a submission that the petitioner has suppressed the fact regarding the criminal case registered against him. in Crime No.179 of 2016 under Sections 341, 342, 294(b) and 324 of IPC on 07.06.2016. Even before the Authorities, the petitioner pleaded that he has no knowledge about the criminal case. Hence, the Authorities rejected the candidature of the petitioner.

4. The learned counsel appearing for the petitioner filed an additional typed set of papers wherein a copy of the information given under the Right to Information Act dated 31.12.2021 is made available. The said letter was sent by the Inspector of Police to the Superintendent of Police, Madurai. The letter of the Inspector of Police reveals that the petitioner was not informed about the registration of a criminal case by the Samayanallur Police Station during the relevant point of time. Therefore, there is a reason to believe that the petitioner had no knowledge about the registration of a criminal case against him at the time of filing of the application for recruitment to the post of Grade-II Police Constable. When the petitioner could not establish that he had no knowledge about the registration of the criminal case, he cannot be blamed for suppression as he could not establish that he had no knowledge about any such case. This apart, the said case registered against the writ petitioner was closed as mistake of fact by the concerned Authority on the very same day and the report was submitted before the Magistrate. When the Police after investigation found that the complaint is a mistake of fact, the petitioner need not be penalised unnecessarily and his case is to be considered with reference to the other facts and circumstances.

5. In view of the above factum, this Court is of the opinion that the respondents are bound to re-consider the case of the writ petitioner, in the light of the letter sent by the Inspector of Police, Samayanallur Police Station to the Superintendent of Police, Madurai District. Accordingly, the order impugned passed by the fourth respondent in proceedings No.3583/EW1/2017-9 dated 17.5.2018 is quashed. The matter is remanded back to the fourth respondent for re-consideration taking note of the relevant documents including the letter sent by the Inspector of Police, Samayanallur Police Station to the Superintendent of Police. The petitioner is at liberty to submit all the documents to the fourth respondent within a period of



fourth respondent is directed to consider all the materials available on record, take a decision and pass orders within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1 The Director General of Police,
State Head Quarters Office, Chennai
- 2 Tamilnadu Uniform Services Recruitment Board,
Old Commissioner of Police Office,
Pantheon Road, Egmore, Chennai
- 3 The Superintendent of Police
Madurai,
Madurai District.
- 4 The Additional Director General of Police,
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-8.

+1 CC to M/s.SPL GP (SR-14290[F] dated 24/03/2022)

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-14358[F] dated
24/03/2022)

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22.03.2022

RK(30/03/2022) 3P 7C