



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

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WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13108 of 2021

A.Aravindan

... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Uniformed Service,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.
2. The Member Secretary,
Tamil Nadu Uniformed Service,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.
3. The Chairman,
Tamil Nadu Uniformed Service,
Recruitment Board,
Madurai Centre,
Office of the Superintendent of Police,
Madurai District,
Madurai - 625 020.
4. The Superintendent of Police,
Madurai District,
Madurai.

... 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 related to the impugned order vide RC.No.B1/4339/2020-8 dated 30.06.2021 and quash the same as illegal, consequently direct the respondents to recruit the petitioner as Grade - II Police Constable in the selection conducted by the respondent vide Notification dated 06.03.2019.

For Petitioner
For Respondents

: Mr.K.Muthu Ganesa Pandian
: Mr.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.A.K.Manikkam
Spl.Govt.Pleader

**ORDER**

The order of rejection rejecting the candidature of writ 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 recruitment to the post of Grade-II Police Constable. He was successful in the written examination. He was allowed to participate in the physical verification test and endurance test. But his case was rejected mainly on the ground that the petitioner has suppressed the fact regarding the registration of the criminal case against him.

3. The learned Additional Advocate General for the respondents contended that the case of the petitioner was not considered merely based on his involvement in a criminal case, when he was a minor. But his case was rejected mainly on the ground that the petitioner has suppressed the fact regarding the registration of the criminal case against him. The petitioner being a convicted person, is not entitled for selection to the post of Grade-II Police Constable in Uniformed Services. Even recently, the Hon'ble Supreme Court of India in the case of Commissioner of Police vs. Raj Kumar in C.A.No.4960 of 2021 dated 25.08.2021 held as follows:-

26. Courts exercising judicial review cannot second guess the suitability of a candidate for any public office or post. Absent evidence of malice or mindlessness (to the materials), or illegality by the public employer, an intense scrutiny on why a candidate is excluded as unsuitable renders the courts' decision suspect to the charge of trespass into executive power of determining suitability of an individual for appointment. This was emphasized by this court, in M.V. Thimmaiah v. Union Public Service Commission⁷ held as follows:

"21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an Appellate Authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion...

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order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security."

4. The learned counsel for the petitioner made a submission that the petitioner was not aware of the registration of the criminal case. However, the fact remains that the criminal case registered against the writ petitioner was disposed on 20.07.2016 according to Section 14 of Juvenile Justice Act, 2000. When the case was disposed of and at the time of disposal, the petitioner should have aware of the fact.

5. This Court is of the considered opinion that the verification of suitability, eligibility and antecedents are of paramount importance. The decision of the Selection Committee in this regard becomes final. High Court cannot interfere with the decision of the Selection Committee regarding the assessment of suitability, eligibility and verification of the antecedents. Once it is found that the petitioner has involved in a criminal case and was convicted this Court do not find any infirmity in respect of the order impugned rejecting the candidature of the petitioner.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

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Pantheon Road,
Egmore,
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3. The Chairman,
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Madurai Centre,
Office of the Superintendent of Police,
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Madurai - 625 020.

4. The Superintendent of Police,
Madurai District,
Madurai.

+1 CC to M/s.SPL GP (SR-14297[F] dated 24/03/2022)

W.P. (MD) No.13108 of 2021
22.03.2022

MPK
MS/31.03.2022/5P.6C