



WEB COPY

W.P.(MD) No.21266 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21266 of 2021

and

W.M.P. (MD) Nos.17849 & 17850 of 2021

G.Vishnudevan

... Petitioner

vs.

1.The Chairman

Tamil Nadu Uniformed Recruitment Board
Chennai-3

2.The Director General of Police

Chennai-4

3.The Superintendent of Police

Madurai District
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus for the records of the impugned order in RC.No.B1/4339/2020-3 dated 28.06.2021 on the file of the 3rd respondent to quash the same and further directing the respondents to appoint the petitioner as Grade II Police constable in the common recruitment 2019 or in the alternative to consider his candidature for the appointment to the post of Fireman or Jail Warden.

For Petitioner : Mr.Balarathinakumar.T.

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, dated 28.06.2021, passed by the third respondent, rejecting the candidature of the petitioner for recruitment to the post of Grade-II Police Constable, is under challenge in this writ petition.

2. The petitioner participated in the process of selection for recruitment to the post of Grade-II Police Constable and he was successful in the written examination and allowed to participate in



the physical verification test and endurance test.

3. During verification, the Authorities found that the petitioner suppressed the fact regarding registration of criminal case in Crime No.193 of 2014, on the file of Usilampatti Taluk Police Station, under Sections 341, 294(b), 323, 324 and 506(ii) I.P.C. However, the fact remains that at the time of registration of criminal complaint, the petitioner was juvenile. The Juvenile Justice Board closed the case on the ground of period of limitation.

4. The learned Additional Advocate General appearing for the respondents made a submission that the petitioner suppressed the fact regarding registration of the criminal case in the application as well as at the time of verification.

5. As far as the juvenile offenders are concerned, if at all there is a suppression, beyond that the Authority should consider the facts and circumstances and whether such suppression is material fact warranting order of rejection. In this regard, the Competent Selection Committee has to apply its mind and ascertain whether the petitioner is guilty of such suppression or not. If at all the petitioner found guilty, then alone a negative decision is to be taken, otherwise there is no bar to consider the case of the petitioner as the case was registered when the petitioner was juvenile and subsequently, was closed.

6. In this regard, it is relevant to consider the observations made by the Honourable Supreme Court in the case of **Umesh Chandra Yadav vs. the Inspector General and Security Commissioner, R.P.F., Northern Railway, New Delhi and others**, reported in **2022 LiveLaw (SC) 300**, wherein it has been held as follows:

"18.The Division Bench, in the impugned judgment, has proceeded mechanically, without taking note of the fact that a juvenile could not have been entangled in a criminal complaint instituted against him in October 1997 and this fact remained unnoticed by the Division Bench that he was a juvenile when the order of discharge was passed on 15th December, 2001 and almost a decade thereafter, the process of selection came to be initiated by the respondents pursuant to an advertisement dated 23rd February 2011, the seriatim of facts cumulatively indicate that the nature of information which was not disclosed by the appellant, in any manner, could be considered to be a suppression of material information not being bona fide disclosed in clause 12 of attestation form filled by him. In this regard, the finding which has been recorded by the



Division Bench in holding that there was a suppression of material information is unsustainable and deserves to be set aside.

19. At the first blush, we were not inclined to grant the appellant consequential benefits as he had not worked after his services came to be terminated on account of cancellation of appointment dated 19th February 2015, but in the present facts and circumstances, when the appellant was never at fault and no one has afforded him a reasonable opportunity to justify and, at the same time, the authorities have also failed to consider that the appellant was a juvenile on the date when the complaint was made and the date when he was discharged by the learned trial Judge by an order dated 15th December, 2001, these peculiar facts were not noticed by the authority while exercising its judicious discretion as to whether the so called alleged suppression at all disentitle the appellant from continuation of service."

7. In view of the facts and circumstances, the impugned order, dated 28.06.2021, passed by the third respondent, is quashed. The matter is remanded back to the third respondent for fresh consideration. The third respondent is directed to consider all the facts and circumstances, including suppression of fact and its implications to disqualify the petitioner for selection to the post of Grade-II Police Constable and pass fresh orders by assigning reasons, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Chairman,
Tamil Nadu Uniformed Recruitment Board,
Chennai-3.



W.P.(MD) No.21266 of 2021

2.The Director General of Police,
Chennai-4.

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

+4 CC to M/s.T.BALARATHINAKUMAR, Advocate (SR-14821[F] dated
28/03/2022)

+1 CC to M/s.SPL GP (SR-14852[F] dated 28/03/2022)

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