



W.P(MD)No.23538 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23538 of 2022

and

W.M.P.(MD)No.17617 of 2022

Guruvanantham

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniform Services Recruitment Board,
No.807, P.D.V Sengalvaraya Naicker Maligai,
Anna Salai,
Chennai-2.

2.The Director General of Police,
Kamarajar Salai,
Kailasapuram,
Mylapore,
Chennai-4.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent vide C.No.A2(1)/14855/2022, dated 13.08.2022 and quash the same as illegal and unconstitutional and consequently, direct the respondents herein to appoint the petitioner as Police Constable Grade II for the year 2020.



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For Petitioner : Mr.G.Mariappan

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2. By the impugned order dated 13.08.2022, the petitioner has been disqualified for being appointed to the post of Police Constable Grade-II in view of his involvement in Crime No.23 of 2018 registered on the file of the Koomapatti Police Station for the offences under Sections 148, 294(b) & 506(ii) of IPC. The petitioner is figuring as A5 in the said case. Of-course, the said case was culminated in a final report and tried in C.C.No.9 of 2019 on the file of the Judicial Magistrate No.1, Srivilliputhur. The said case ended in acquittal vide Judgment dated 28.05.2019.

3. I carefully went through the contents of the Judgement. As rightly



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pointed out by the learned Additional Advocate General, the petitioner got acquitted, since the complainant turned hostile and he was thus given benefit of doubt. This acquittal cannot be treated as honourable acquittal. Rule 14(b) of Tamil Nadu Special Police Subordinate Service Rules is as follows:-

Rule 14(b): No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority that

(i) that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service and

(ii) that his character and antecedents are such as to qualify him for such service and

(iii) that such a person does not have more than one wife living.

(iv) that he has not involved in any criminal case before police verification.

Explanation (1): A person who is acquitted or discharged on benefits of doubt or due to the fact that the complainant turned hostile shall be treated as person involved in a criminal case.

Explanation (2): A person involved in a criminal case at the time of police verification and the case yet to be disposed of and subsequently, ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in a criminal case and he can claim right for appointment only by participating in the next recruitment.

4. The petitioner's case would fall within the mischief of Explanation I.

The competent authority rightly treated the petitioner as having been involved in a criminal case. No interference is called for.



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5. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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