



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.22319 of 2021

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S.Azarudeen

... Petitioner

vs.

1.The Director General of Police  
Police Head Quarters  
Chennai-600 004

2.The Member Secretary  
The Tamil Nadu Uniformed  
Service Recruitment Board  
Anna Salai, Chennai-600 008

3.The Superintendent of Police  
Virudhunagar District, Virudhunagar

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the 3<sup>rd</sup> respondent in his proceedings in C.No.A2(1)/25169/2021 dated 27.09.2021 and quash the same as illegal, violation of law and further direct the 3<sup>rd</sup> respondent to appoint the petitioner as a Grade II Police Constable (TSP) within the stipulated period.

For Petitioner : Mr.Jothi Basu.M.

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 27.09.2021, 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. A criminal case was registered against the petitioner in Crime No.986 of 2017, on the file of Virudhunagar West Police



Station, under Sections 294(b), 324 and 506(ii) I.P.C. The petitioner was acquitted under Section 248(1) Cr.P.C., on the ground that the complainant turned hostile.

4. The learned Additional Advocate General appearing for the respondents made a submission that though the petitioner suppressed the fact regarding registration of criminal case against him while submitting application, but he informed the same at the time of verification. However, the Selection Committee considered the involvement of the petitioner in the criminal case and suppression of fact in the application. Thus, the Selection Committee formed an opinion that the character and antecedents of the petitioner are not satisfactory.

5. The Honourable Supreme Court of India in the case of **Commissioner of Police vs. Raj Kumar**, by Judgment dated 25.08.2021, passed in C.A.No.4960 of 2021, has 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 Commission* [(2008) 2 SCC 119] 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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crime or misdemeanour. The impugned order indicates a broad view, that such misdemeanour should not be taken seriously, given the age of the youth and the rural setting. This court is of opinion that such generalizations, leading to condonation of the offender's conduct, should not enter the judicial verdict and should be avoided. Certain types of offences, like molestation of women, or trespass and beating up, assault, causing hurt or grievous hurt, (with or without use of weapons), of victims, in rural settings, can also be indicative of caste or hierarchy-based behaviour. Each case is to be scrutinized by the concerned public employer, through its designated officials- more so, in the case of recruitment for the police force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security."

6. This Court is of the considered opinion that the verification of suitability, eligibility and antecedents of the candidates are of paramount important. 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. Hence, this Court do not find any infirmity in respect of the order impugned rejecting the candidature of the petitioner.

7. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Director General of Police,  
Police Head Quarters,  
Chennai-600 004.

2.The Member Secretary,  
The Tamil Nadu Uniformed  
Service Recruitment Board,  
Anna Salai, Chennai-600 008.



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

+1 CC to M/s.G.M.LAW OFFICE, Advocate ( SR-14429[F] dated  
25/03/2022 )

+1 CC to M/s.SPL GP ( SR-14888[F] dated 28/03/2022 )

**W.P. (MD) No.22319 of 2021**  
**24.03.2022**

MGJ(07.04.2022) 5P 6C