



W.P(MD)No.24254 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.24254 of 2022

S.Veerasurya

... Petitioner

Vs.

1.The Tamil Nadu Uniform Services
Recruitment Board Represented by its
Chairman, Chennai-600002.

2.The Director General of Police /
Head of Police Force,
Tamil Nadu, Chennai-600004.

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

... 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 and quash the order of the third respondent in his proceedings C.No.A2/20000/2020, dated 16.03.20222 as being arbitrary and against the principles of natural justice and consequently directing the respondents to issue appointment order to the petitioner and send him for training for the post of Grade-II Police Constables (Armed Reserve, Tamil Nadu Special Force), Jail Warder and Firemen.



W.P(MD)No.24254 of 2022

For Petitioner : Mr.D.Baskar

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 endorsement dated 16.03.2022, the petitioner has been disqualified for being appointed to the post of Police Constable Grade-II. The petitioner had taken part in the recruitment process held for the year 2020. The petitioner was implicated in Crime No.14 of 2019 registered on the file of Papanasam Police Station, Thanjavur District. He was also arrested and remanded to judicial custody. Unfortunately, he suppressed the pendency of the criminal case in the application form. At the time of verification also, he failed to disclose.

3. 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



W.P(MD)No.24254 of 2022

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 latest Judgment of the Hon'ble Apex Court cited by the learned Additional Advocate General would come into play. The Hon'ble Apex Court in *S.L.P(Civil)No.5170 of 2021, dated 26.09.2022 (Satish Chandra Yadav Vs. Union of India)* held as follows:-

79. Ms.Madhavi Divan, the learned ASG has rightly relied on *Kendriya Vidyalyaya Sangathan* (supra) in which this Court held that the purpose of requiring an employee to furnish information regarding prosecution / conviction etc. in the verification Form was to assess his character and antecedents for the purpose of employment and continuation in service; that suppression of material information and making a false statement in reply to the queries relating to prosecution and conviction had a clear bearing on the character, conduct and antecedents of the employee; and that where it is found that the employee had suppressed or given false information



W.P(MD)No.24254 of 2022

in regard to the matters which had a bearing on his fitness or suitability to the post, he could be terminated from service during the period of probation without holding any inquiry. This Court also made it clear that neither the gravity of the criminal offence nor the ultimate acquittal therein was relevant when considering whether a probationer who suppresses a material fact (of his being involved in a criminal case), in the personal information furnished to the employer) is fit to be continued as a probationer.

80. We find that the observations in the aforesaid case are fully applicable to the appeal filed by Satish Chandra Yadav. We are of the opinion that it was a deliberate attempt on the part of the appellant Satish Chandra Yadav to withhold the relevant information and it is this omission which has held to the termination of his service during the probation period.

5. Therefore, I do not find any ground to interfere. The order impugned in the writ petition is sustained. The Writ Petition is dismissed. No costs.

01.11.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.24254 of 2022

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W.P(MD)No.24254 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.24254 of 2022

01.11.2022