



W.A.(MD)No.1506 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.1506 of 2022

and

C.M.P.(MD)No.12609 of 2022

T.Saravana KUmar

... Appellant / Petitioner

-Vs-

1.The Director General of Police,

Office of Director General of Police,

Santhome, Chennai-600 005.

2.The Superintendent of Police,

Office of the Superintendent of Police,

Virudhunagar District.

... Respondents / Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 01.11.2022 made in W.P.(MD)No.21143 of 2022 on the file of this Court.

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For Appellant : Mr.K.Appadurai
For Respondents : Mr.Veera.Kathiravan,
Additional Advocate General,
assisted by Mr.K.Balasubramani,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal is directed against the order dated 01.11.2022 made in W.P.(MD)No.21143 of 2022 on the file of this Court.

2.The case of the writ petitioner is that he belongs to Scheduled Caste Community and he is a B.Com., CA graduate. He applied for the post of Grade-II Police Constable / Grade-II Jail Warden & Fireman, pursuant to the notification issued by the Tamil Nadu Uniformed Service Recruitment Board and passed all the tests conducted by the Board and provisionally, selected for the said post. During certificate verification held on 29.07.2021, his appointment was kept pending for further verification, though the petitioner has disclosed the

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pendency of the criminal case registered against him in the column as furnished by the Recruitment Board in the application form. It is an admitted fact that the petitioner involved in two criminal cases; one case in Crime No.150 of 2015 on the file of Seithur Rural Police Station for the offence under Section 41(i)(a) Cr.P.C., and another case in Crime No.381 of 2015 on the file of Seithur Rural Police Station for the offences under Sections 323, 324 and 506(i) IPC. After verification, the case in Crime No.150 of 2015 was closed as mistake of fact. In respect of the case in Crime No.381 of 2015, this Court, by an order dated 23.02.2021 made in CrI.O.P.(MD)No.1627 of 2021, quashed the aforesaid proceedings based on the joint compromise entered between the parties. However, the 2nd respondent, citing the aforesaid criminal case, has rejected the appointment order of the petitioner and the same was under challenge in the Writ Petition. The Writ Court, after considering the submissions made on either side, rejected the claim of the petitioner. Aggrieved by the same, this Writ Appeal is filed by the writ petitioner.



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3.The learned counsel appearing for the appellant submitted that the case in Crime No.150 of 2015 was closed as mistake of fact and when the second case in Crime No.381 of 2015 is pending, the Tamil Nadu Uniformed Service Recruitment Board issued a notification for the post of Grade-II Police Constable / Grade-II Jail Warden & Fireman. Pursuant to the same, the appellant submitted an application and also disclosed the pendency of the criminal case in the application form. Subsequently, pending selection process, he was acquitted from the aforesaid criminal case in terms of the joint compromise on 23.02.2021, hence, he is entitled for appointment. Therefore, the order of the Writ Court is liable to set aside.

4.The learned Additional Advocate General appearing for the respondents has strongly objected the said contention and submitted that the 2nd respondent has rightly rejected the appointment of the appellant by citing Rule 14(b) of Tamil Nadu Special Police Subordinate Service Rules (hereinafter referred to as 'the Rules') Therefore, the order of the learned Single Judge did not warrant any interference.

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5. Heard the learned counsel for the appellant and the learned Additional Advocate General for the respondents.

6. The point for consideration is whether the appellant is entitled for the appointment based on the acquittal in the aforesaid criminal case.

7. The contention of the appellant that pending recruitment process, the said criminal case has been quashed by this Court, therefore, he is entitled for appointment, cannot be acceptable for the reason that Explanation (1) of Rule 14(b) of the Rules clearly stated that 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. However, Explanation (2) of Rule 14(b) of the Rules states that 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.



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8.In view of the above, we are of the view that the Writ Court has rightly rejected the appointment of the appellant and therefore, we are not inclined to interfere with the order passed by the Writ Court, however, this order will not stand in the way of considering the appellant for the next recruitment process by the Recruitment Board, if he is otherwise eligible.

9.With the above observation, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]

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Index : Yes / No

Internet : Yes / No

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