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W.P.No.5376 of 2022, etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition Nos.5376, 4331, 23718, 27526 & 34079 of 2022
&

W.M.P.Nos.4443, 22662 & 33543 & 33545 of 2022
and

Writ Petition Nos.19995, 20125, 21904, 22103 & 20204 of 2023
&

W.M.P.Nos.19344, 19345, 19467, 21232 & 21505 of 2023

W.P.No.5376 of 2022:-

V.Dineshkumar

..... Petitioner

-Versus-

1.The Deputy Inspector General of Police,
Vellore Zone, Vellore.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner's Office,
Pantheon Road, Egmore, Chennai.

3.The Superintendent of Police,
Tiruvannamalai District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a Writ of Certiorarified Mandamus calling for the records pertaining to the
proceedings of the 3rd respondent herein in Na.Ka.No.A2(2)/25494/2020 dated



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21.10.2022 and to quash the same and consequently direct the respondents to grant appointment to the petitioner to the post of Grade-II Police Constable / Grade-II Jail Warden/Fireman for the year 2019.

For Petitioner : *Ms.Rayeesa Fathima*
For Respondents : *Mr.P.Kumaresan,*
Additional Advocate General
Assisted by
Mr.V.Jeevagiridharan,
Addl. Government Pleader

W.P.No.4331 of 2022

A.Kaviyarasan

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 008.
- 2.The Director General of Police / Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road,
Chennai 600 008.
- 3.The Superintendent of Police,
Dharmapuri District, Dharmapuri.

..... Respondents



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Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in Na.Ka.No.A3/27322/2021 dated 06.01.2022 and to quash the same and consequently direct the respondents to select and appoint the petitioner to the post of Police Constable Grade-II under the Notification No.1/2020 dated 17.09.2020 issued by the 2nd respondent.

For Petitioner : *Ms.A.Pramila*
For Respondents : *Mr.P.Kumaresan,*
Additional Advocate General
Assisted by
Mr.V.Jeevagiridharan,
Addl. Government Pleader and
Mr.J.Daniel,
Government Advocate

W.P.No.23718 of 2022

P.Kokila

..... Petitioner

-Versus-

- 1.The Director General of Police,
Tamil Nadu Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
- 2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvarayan Naicker Maaligai,
No.807, 2nd Floor, Anna Salai,
Chennai 600 002.



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

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..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned rejection order passed by the 3rd respondent herein vide his proceedings in Na.Ka.No.A3/21700/2020 dated 17.02.2022 and to quash the same as arbitrary, unreasonable, improper, illegal, being violative of rules and principles of natural justice and thereby direct the respondents herein to select and appoint the petitioner to the post of Grade-II Police Constable pursuant to her selection in the year 2020 in any one of the existing vacancies or immediate ensuring vacancy or any appropriate suitable post in the same scale of pay and qualification under the respondent department within the time frame to be fixed by this court.

For Petitioner : *Mr.A.R.Suresh*

For Respondents : *Mr.P.Kumaresan,*

*Additional Advocate General
Assisted by*

Mr.V.Jeevagiridharan,

Addl. Government Pleader and

Mr.J.Daniel,

Government Advocate



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W.P.No.27526 of 2022

M.Kumaran

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by its Home Secretary,
Fort St. George, Chennai.
- 2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore, Chennai 600 008.
- 3.The Superintendent of Police,
Villupuram District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in C.No.A2/10200/2019 dated 30.08.2022 and to quash the same and direct the respondents to appoint the petitioner in the post of Grade-II Tamil Nadu Special Police Force.

For Petitioner

: *Ms.Sudharshana Sunder*

For Respondents

: *Mr.P.Kumaresan,*

*Additional Advocate General
Assisted by*

Mr.V.Jeevagiridharan,

Addl. Government Pleader and

Mr.J.Daniel,

Government Advocate



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WEB C W.P.No.34079 of 2022

S.Kalyanasundaram

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Chennai 600 004.
- 3.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Salem Range, Salem.
- 4.The Superintendent of Police,
Namakkal District, Namakkal.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 3rd respondent in Rc.No.A2/3372/2021 dated 30.11.2022 and to quash the same as illegal incompetent and ultra vires and consequently direct the respondents to appoint the petitioner in the post of Sub-Inspector of Police pursuant to the Notification No.2/2019 dated 08.03.2019 within a period that may be stipulated by this court.



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For Petitioner

: Mr.R.Jayaprakash

For Respondents

: Mr.P.Kumaresan,

*Additional Advocate General
Assisted by*

Mr.V.Jeevagiridharan,

Addl. Government Pleader and

Mr.J.Daniel,

Government Advocate

W.P.No.19995 of 2023

C.Dilip Kumar

..... Petitioner

-Versus-

- 1.The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.
- 2.The Chairman,
Tamil Nadu Unformed Service Recruitment Board ,
Old Commissioner of Police Campus,
Pantheon Road, Egmore,
Chennai 600 008.
- 3.The Deputy Inspector General of Police,
Vellore Range,
Vellore District, Vellore.
- 4.The Superintendent of Police,
Vellore District, Vellore.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to



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issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 3rd respondent in C.No.A2/E-1/238/2022 dated 15.02.2023 and to quash the same as illegal, incompetent and ultra vires and consequently direct the respondents to appoint the petitioner in the post of Sub-Inspector of Police (Taluk, AR and TSP), (Men, Women & Transgender) in pursuant of the notification of the 2nd respondent for the year 2019 within a period that may be stipulated by this court.

For Petitioner : *Mr.N.G.R.Prasad*
for R.Jayaprakash

For Respondents : *Mr.P.Kumaresan,*
Additional Advocate General
Assisted by
Mr.V.Jeevagiridharan,
Addl. Government Pleader and
Mr.J.Daniel,
Government Advocate

W.P.No.20125 of 2023

E.Manikandan

..... Petitioner

-Versus-

- 1.The Director General of Police /
Director General of Prisons & Correctional Services,
Whannels Road,
Egmore, Chennai 600 008.
- 2.The Chairman,
Tamil Nadu Uniform Services Recruitment Board,
Old Commissioner of Police Campus,



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Pantheon Road,
Egmore, Chennai 600 008.

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3.The Additional Director General cum
Director General of Prisons,
Whannels Road,
Egmore, Chennai 600 008.

4.The Superintendent of Police,
Cuddalore District,
Cuddalore.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 1st respondent in No.15970/EW.1/2020 dated 26.09.2020 and to quash the same as illegal, incompetent and ultra vires and consequently direct the respondents to appoint the petitioner in post of Grade-II Jail Warder pursuant to the notification issued by the 2nd respondent calling to fill up the post of Grade-II Police Constable/Grade-II Jail Warders and Fireman for the year 2017, within a period that may be stipulated by this court.

W.P.No.20125 of 2023

For Petitioner : *Mr.R.Jayaprakash*

For Respondents : *Mr.P.Kumaresan,*

Additional Advocate General
Assisted by

Mr.V.Jeevagiridharan,

Addl. Government Pleader and

Mr.J.Daniel,



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W.P.No.20125 of 2023

Government Advocate

W.P.No.21904 of 2023

T.Rohith

..... Petitioner

-Versus-

- 1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008.
- 2.The Director General of Police,
O/o The Director General of Police,
Chennai 600 004.
- 3.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
- 4.The Sub-Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in C.No.F1/9000/2022 dated 14.06.2023 passed by the 3rd respondent and to quash the same as illegal and for consequential direction, directing the respondents to appoint the petitioner (Registration Number 3702022) as Grade-II Constable/Grade-II Jail Warder/ Fireman in the Tamil Nadu Uniformed Services Recruitment Board 2022 forthwith.



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For Petitioner

: Mr.R.Venkatesan

For Respondents

: Mr.P.Kumaresan,

*Additional Advocate General
Assisted by*

Mr.V.Jeevagiridharan,

Addl. Government Pleader and

Mr.J.Daniel,

Government Advocate

W.P.No.22103 of 2023

B.Bavithran

..... Petitioner

-Versus-

1.Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Campus,
Pantheon Road, Egmore, Chennai 600 008.

2.The Superintendent of Police,
District Police Office Building,
Sathuvacheri,
Vellore 632 009.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings in Na.Ka.No.A2(3)/171/18801/PV/2019 dated 24.03.2020 order passed by the 2nd respondent and to quash the same and consequently direct the 1st respondent to select the petitioner for the post of Police Constable.



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For Petitioner

: Mr.M.Madhu Prakash

For Respondent

: Mr.P.Kumaresan,

*Additional Advocate General
Assisted by*

Mr.V.Jeevagiridharan,

Addl. Government Pleader and

Mr.J.Daniel,

Government Advocate

W.P.No.20204 of 2023

Kannadhasan

..... Petitioner

-Versus-

1.The Principal Secretary,
Home Department,
St. George Fort, Chennai.

2.The Tamil Nadu Uniformed Services Recruitment Board,
Rep. by its Member Secretary,
Chennai 600 008.

3.The Director General of Police,
Radhakrishnan Road,
Mylapore, Chennai 600 004.

4.The Commissioner of Police,
Salem City, Salem.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a Writ of Certiorarified Mandamus calling for the records of the 4th



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respondent in Na.Ka.No.A6/153/4690/2023 dated 15.06.2023 and to quash the same and consequently, direct the respondents to appoint the petitioner in the post of Grade-II Police Constable based on the final provisional selection list issued by the 2nd respondent.

For Petitioner : *Mr.M.Subash*
For Respondents : *Mr.P.Kumaresan,*
Additional Advocate General
Assisted by
Mr.V.Jeevagiridharan,
Addl. Government Pleader and
Mr.J.Daniel,
Government Advocate

COMMON ORDER

Challenging the orders passed by either The Director General of Police or Deputy Inspectors General of Police of the Range concerned, Commissioners of Police of the District concerned or Superintendents of Police of the Districts concerned on different dates rejecting the candidature of the petitioners for appointment either to the post of Sub-Inspector or Grade II Police Constables on the ground of moral turpitude (bad character and antecedents), the present writ petitions have been filed.



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2. The particulars culled out from the individual writ petitions with regard to the post for which application was made, reason for rejection of appointment, the authority who passed the order and the date of impugned order are as under:-

Name of the candidate and Writ Petition Number	Post for which application was made	Reason for rejection of appointment	Authority who passed the order	Date of impugned order
Dineshkumar V. [W.P.No.5376 of 2022]	Gr.II PC	Involvement in a criminal case	Superintendent of Police, Tiruvanna-malai	21.10.2022
Kaviyarasan A. [W.P.No.4331 of 2022]	Gr.II PC	Suppression of material information relating to involvement in a criminal case	Superintendent of Police, Dharmapuri	06.01.22
Kokila P. [W.P.No.23718 of 2022]	Gr.II PC	Suppression of material information relating to involvement in a criminal case	Superintendent of Police, Salem	17.02.2022
Kumaran M. [W.P.No.27526 of 2022]	Gr.II PC	Suppression of material information relating to involvement in a	Superintendent of Police, Villupuram	30.08.2022



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Name of the candidate and Writ Petition Number	Post for which application was made	Reason for rejection of appointment	Authority who passed the order	Date of impugned order
		criminal case		
Kalyanasundaram S. [W.P.No.34079 of 2022]	Sub-Inspector of Police	Suppression of material information relating to involvement in a criminal case	Deputy Inspector General of Police, Salem Range	30.11.2022
Dilip Kumar C. [W.P.No.19995 of 2023]	Sub-Inspector of Police	Involvement in a criminal case	Deputy Inspector General of Police, Vellore Range	15.02.2023
Manikandan E. [W.P.No.20125 of 2023]	Gr.II PC	Involvement in a criminal case	Director General of Police/Director General of Prisons, Tamil Nadu	26.09.2020
Rohith T. [W.P.No.21904 of 2023]	Gr.II PC	Suppression of material information relating to involvement in criminal cases	Superintendent of Police, Nagapattinam	14.06.2023
Bavitharan B. [W.P.No.22103 of 2023]	Gr.II PC	Suppression of material information relating to involvement in a criminal case	Superintendent of Police, Vellore	24.03.2020
Kannadhasan P. [W.P.No.20204 of 2023]	Gr.II PC	Suppression of material information	Commissioner of Police, Salem City	15.06.2023



W.P.No.5376 of 2022, etc., batch

Name of the candidate and Writ Petition Number	Post for which applicati on was made	Reason for rejection of appointment	Authority who passed the order	Date of impugned order
		relating to involvement in a criminal case		

3. The petitioners in W.P.Nos.4331, 23718, 27526, 34079 of 2022, 21904, 22103 & 20204 of 2023 were denied appointment mainly on the ground that they had not disclosed the material information as to the criminal cases registered against them and pendency of cases at the time of notification and the offences alleged involve moral turpitude and in some cases though the individuals were acquitted from the charges, they were not acquitted honourably. Insofar as the petitioners in W.P.No.5376 of 2022, W.P.No.19995 of 2023 & W.P.No.20125 of 2023 are concerned, they were denied appointment on the ground of moral turpitude though had mentioned in their applications particulars with regard to the cases registered against them.

4.0 Let us now cull out the brief facts in each case individually and the ground leading to the denial of appointment by the appointing authority. They are as under:-



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W.P.No.5376 of 2022:

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4.1 (a) Dineshkumar V., the petitioner applied to the post of Grade-II Police Constable. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from the victim- Silambarasan, a case in Crime No.232 of 2015 was registered for the alleged offences u/s 294(b), 323, 326 & 506(ii) of IPC. The petitioner was arrayed as A2 in the said case. The allegation is that the petitioner and the other accused due to previous enmity quarrelled with the victim party, assaulted him with a stick and caused injuries.

(b) The said case was taken cognizance in C.C.No.231 of 2017 by the learned Magistrate, Arani and by judgement dated 22.10.2021, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the petitioner was denied appointment on the ground that he was acquitted from the charges subsequent to the commencement of selection process and according to the appointing authority, the acquittal was not honourable one. The act of the petitioner in suppressing the material



W.P.No.5376 of 2022, etc., batch

information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.No.20125 of 2023:

4.2. (a) Manikandan E., the petitioner applied to the post of Grade-II Police Constable. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground of his involvement in a criminal case. On a complaint from the victim, a case was registered in Crime No.79 of 2016 on the file of Thukkanampakkam Police Station against the petitioner and 6 others. The petitioner was arrayed as A3 in the said case. The allegation is that the petitioner insisted the victim to love him and pulled her dupatta and when she shouted at the accused, her relatives came and when they questioned the accused, they were abused in a filthy language and assaulted by the accused.

(b) The said case was taken cognizance in C.C.No141 of 2016. After full trial, by judgement dated 18.09.2017, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the petitioner was denied appointment on the ground that though he was acquitted from the charges, according to the appointing authority, the acquittal was not honourable one and



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the involvement of the petitioner in the criminal offences would amount to moral turpitude.

W.P.No.34079 of 2022:

4.3. (a) Kalyanasundaram S., the petitioner applied to the post of Sub Inspector of Police in 2019. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from the victim-Dinesh Kumar, a case was registered on 24.08.2010 in Crime No.130 of 2010 on the file of Pulivalam Police Station for the alleged offences u/s 147, 323 IPC and Section 4 of The Prohibition of Ragging Act, 1997. The petitioner was arrayed as A6 in the said case. The allegation is that the petitioner indulged in ragging and assaulted the victim.

(b) The said case was taken cognizance in C.C.No.168 of 2010 and by judgement dated 27.01.2011, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal case. Though he was acquitted from the charges, according to



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the appointing authority, the acquittal was not honourable one. The act of the petitioner in suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.No.19995 of 2023:

4.4. (a) Dilip Kumar C., the petitioner applied to the post of Sub Inspector of Police in 2019. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground of his involvement in a criminal case. On a complaint from the victim-Vijayakanth, a case was registered on 16.01.2017 in Crime No.10 of 2017 on the file of Melpatti Police Station for the alleged offences u/s 294(b), 323, 324 and 506(ii) of IPC. The petitioner was arrayed as A1 in the said case. The allegation is that the petitioner and the other accused persons abused the victim in a filthy language objecting to his dancing in temple festival and assaulted him with hands and caused injuries to the victim.

(b) The said case was taken cognizance in C.C.No.351 of 2018 and by judgement dated 01.11.2019, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was after the employment notification. The petitioner was denied appointment on the ground that though he was acquitted from the charges, according to the



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appointing authority, the acquittal was not honourable one and the involvement of the petitioner in the criminal offences would amount to moral turpitude.

W.P.No.4331 of 2022:

4.5 (a) Kaviyaran A., the petitioner applied to the post of Grade-II Police Constable in 2020. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from one Kalaiselvi, a case was registered in Crime No.201 of 2020 on the file of Kottapatti Police Station for the alleged offences u/s 294(b), 324 and 506(ii) of IPC. The allegation is that when the petitioner along with his friends was about to collect the cricket ball that fell into the agricultural crops, there erupted a quarrel in which the petitioner and his friends said to have, abused the victim party in a filthy language, assaulted and caused injuries to them. The petitioner was arrayed as A4 in the said case. This court is informed that the said case was, however, closed on 09.03.2021 itself as mistake of fact. The respondents did not dispute the same. However, the petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal case. Though the case was closed as mistake of fact, according to the appointing authority, the act



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of the petitioner in suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.No.27526 of 2022:

4.6 (a) Kumaran M., the petitioner applied to the post of Grade-II Police Constable in 2019. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from the victim-Manikandan, a case was registered in Crime No.293 of 2018 on the file of Mayilam Police Station for the alleged offences u/s 294(b), 323, 324 & 506(ii) of IPC against the petitioner and 2 others. The petitioner was arrayed as A2 in the said case. The allegation is that the petitioner and the other accused quarrelled with the victim party, abused them in a filthy language and assaulted them.

(b) The said case was taken cognizance in C.C.No.100 of 2018 by the learned Judicial Magistrate I, Tindivanam and by judgement dated 13.12.2018, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal case. Though he



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was acquitted from the charges, according to the appointing authority, the acquittal was not honourable one. The act of the petitioner in suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.No.23718 of 2022:

4.7 (a) Kokila P., the petitioner applied to the post of Grade-II Police Constable in 2020. She participated in the selection process and came out successfully in every stage of selection process. She was denied appointment on the only ground that she had suppressed the material information relating to her involvement in a criminal case. On 16.11.2021, on finding an unidentified body, a case came to be registered in Cr.No.118 of 2021 for unnatural death u/s 174 (1) of Cr.P.C. on the file of Erode Railway Police. The investigation revealed the identity of the body. The body turned out to be that of Mohanraj. Mohanraj and one Chitra were in love with each other. That was objected to by the family of Chitra. However, they got married on 11.11.2021. Mohanraj was ill-treated and humiliated on the basis of his caste (SC) .Therefore, he had committed suicide. The case was altered from Section 174(1) of Cr.P.C. to Section 306 of IPC r/w 3(2)(v) of the Scheduled Castes and Scheduled Tribes



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(Prevention of Atrocities) Act. The petitioner was arrayed as A1 in the said case. The petitioner is the sister of Chitra. The allegation is that the deceased Mohanraj had implicated the petitioner, Banumathi and her husband in his suicidal note stating that they only abetted him to commit suicide. This court is informed that the said case was, however, closed on 23.04.2023 as mistake of fact. The respondents did not dispute the same. The petitioner was denied appointment on the ground that she had deliberately suppressed her involvement in the criminal case and the act of the petitioner in suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.No.20204 of 2023:

4.8 (a) Kannadhasan, the petitioner applied to the post of Grade-II Police Constable. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from the victim, a case was registered in Crime No.437 of 2015 on the file of Asthampatti Police Station, Salem City for the alleged offences u/s 147, 294(b), 324 and 506(ii) of IPC



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against the petitioner and others. The petitioner was arrayed as A2 in the said case. The allegation is that when one Kaja Hussain, a student of Salem Government Men's Arts College was about to go to the shade of a tree in the college ground on 13.07.2015 at about 04.30 p.m. the accused persons including the petitioner abused the victim in a filthy language and assaulted him with deadly weapons.

(b) The said case was taken cognizance in C.C.No.129 of 2016 by the learned Judicial Magistrate-III, Salem. After full trial, by judgement dated 25.09.2017, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal case. Though he was acquitted from the charges, according to the appointing authority, the acquittal was not honourable one. The act of the petitioner in suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.21904 of 2023:



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4.9 (a) Rohith.T, the petitioner applied to the post of Grade-II Police Constable. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from the victim, a case was registered in Crime No.96 of 2019 on the file of Velankanni Police Station for the alleged offence u/s 294(b), 323, 324, 506(i) of IPC against the petitioner and 2 others. The petitioner was arrayed as A2 in the said case. The allegation is that the petitioner along with 2 others assaulted the victim – Arularasan, a college student by scolding him in a filthy language as to why he did not print their photographs in the banner erected for the wedding reception.

(b) The case in Crime No.96 of 2019 was taken cognizance in C.C.No.108 of 2020. After full trial, by judgement dated 21.10.2020, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification. The other case registered in Crime No.435 of 2021 against the petitioner for the alleged offences u/s 269 & 270 of IPC was closed on 15.10.2021 as action dropped. However, the petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal cases. Though he



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was acquitted from the charges in the former case, according to the appointing authority, the acquittal was not honourable one. The act of the petitioner in suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

W.P.No.22103 of 2023:

4.10. (a) B.Bavithran, the petitioner applied to the post of Grade-II Police Constable. He participated in the selection process and came out successfully in every stage of selection process. He was denied appointment on the only ground that he had suppressed the material information relating to his involvement in a criminal case. On a complaint from victim-Masilimani on 15.08.2016 a case in Crime No.346 of 2016 came to be registered on the file of Elatheri Police Station for the alleged offences under Sections 294(b) and 324 of IPC. The allegation against the petitioner is that he abused the victim in a filthy language and caused a simple injury on the right cheek with a stone.

(b) The said case was taken cognizance in C.C.No.64 of 2018 by the learned Magistrate, Katpadi. After full trial, by judgement dated 18.09.2018, the learned Magistrate had acquitted the petitioner by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the



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petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal case. Though he was acquitted from the charges, according to the appointing authority, the acquittal was not honourable one. The act of the petitioner in suppressing the material information as to the question of having been criminally prosecuted **in** itself would amount to moral turpitude.

5. Heard the learned counsel appearing for the respective petitioners and the learned Additional Advocate General appearing for the respondents in all the writ petitions.

6. The learned counsel for the respective petitioners would submit that except in W.P.No.5376 of 2022, W.P.No.19995 of 2023 & W.P.No.20125 of 2023, in all other cases, the impugned orders have been passed refusing to provide employment to the petitioners mainly on the ground that the petitioners had suppressed the material information relating to their involvement in the criminal cases in the applications, however, in all matters including the above said three writ petitions, the criminal cases which were registered and pending against them were all either ended in acquittal or the police themselves had



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closed the cases as 'mistake of fact' or 'action dropped'. However, the appointing authorities concerned have passed the impugned order holding that the acquittal was not honourable one and the petitioners were not eligible for appointment to the posts in the disciplined services in view of their bad character and antecedents.

7. The learned counsel for the respective petitioners would further submit that the dispute, except in one or two cases, was either between the friends or relatives or students and the offences alleged against the petitioners were all trivial in nature and not involving moral turpitude.

8. The learned counsel placing a strong reliance on the judgement of the Supreme Court in the case of **Avtar Singh v. Union of India** [(2016) 8 SCC 471] would submit that merely because the petitioners were not declared acquitted honourably on merits, the same cannot be put against them to deny appointments. The appointing authorities concerned have not followed the dictum laid down by the Supreme Court in **Avatar Singh's case** (cited supra) and have mechanically passed the impugned orders. Therefore, the impugned orders are not sustainable in law and liable to be set aside.



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9. The learned Additional Advocate General would on the other hand contend that the petitioners were denied appointments to the posts of either Sub-Inspector of Police or Grade-II Police Constable, as the case may be, on the ground that they had, except in three cases, suppressed the material information relating to their involvement in the criminal cases and in all the cases though they got clean chit either from the court or from the investigating agency, mere acquittal would not entitle a candidate to seek for appointment that too in the disciplined services. The orders of acquittal were merely on the ground that the witnesses therein had turned hostile and not honourable acquittal on merits. The act of suppressing the material information as to the question of having been criminally prosecuted in itself would amount to moral turpitude.

10. Referring to relevant services rules, the learned Additional Advocate General would submit that though the petitioners were selected for appointment either to the post of Grade-II Police Constable or Sub-Inspector, of Police as the case may be, their involvement in the criminal cases and/or suppression of the material information in the verification form as to the question of having been criminally prosecuted or pendency of criminal cases rendered them



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ineligible for appointment to the posts in disciplined services. The petitioners who have been either acquitted or the cases against them were closed as mistake of fact / or action dropped either before or after the notification but did not mention those particulars in the verification form and in the cases where the petitioners had disclosed the particulars of the criminal cases registered against them and got clean chit from the police or the court, can very well participate in the next recruitment process

11. I have carefully considered the rival submissions and also perused the records carefully.

12. The Police service is disciplined service where the yardstick of suitability is different from other services, but, there cannot be any mechanical or rhetorical incantation of moral turpitude to deny appointment in service simpliciter. At the same time, merely because the case against him ended in acquittal, a candidate cannot claim as a matter of right he should be given appointment pursuant to his selection to the post of either Grade-II Police Constable or Sub-Inspector as the case maybe. A duty cast on the selection committee or the appointing authority concerned to assess the suitability of the individual concerned whether he was involved in a serious offence involving



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moral turpitude and they are eligible for appointment to the post. The selection committee or appointing authority will have to consider the nature and extent of such person's involvement in the crime and his propensity of becoming a cause for worsening the law and order situation rather than maintaining.

13. In the instant cases, the appointing authorities concerned did not at all consider the fact whether the involvement of the individual petitioners in the offences alleged against them will have any impact in the disciplined services. The impugned orders have been passed mechanically, without adhering to the law laid down by the Supreme Court in Avatar Singh's case (supra), denying appointments to the candidates who have been provisionally selected.

14. In **Avatar Singh's case** (supra) the Supreme Court has laid down parameters regarding application of mind by the authorities in cases involving appointment to a disciplined force. The relevant portions of the judgement read as under:-

“38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize our conclusion thus:



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38.1 Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2 While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3 The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4 In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted : -

38.4.1 In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its



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discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2 Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3 If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5 In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6 In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case.

38.7 In a case of deliberate suppression of fact



with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8 If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9 In case the employee is confirmed in service, holding Departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10 For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be Avtar Singh vs Union Of India & Ors on 21 July, 2016 disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting



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false information as to a fact which was not even asked for.

38.11 Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.”

15. No doubt, as per the principles laid down by the Supreme Court in **Avatar Singh's case** (supra) persons involved in grave/serious offences involving moral turpitude should be kept out of police force even if they are acquitted or discharged. None of the cases registered against the petitioners herein involve moral turpitude. In **Avatar Singh's case** (supra) the Supreme Court has held that in a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse. The supreme Court further held that if acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee. Even if acquittal has been made,



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employer may consider nature of offence, whether acquittal is honourable or giving benefit of doubt on technical reasons and decline to appoint a person who is unfit or dubious character. In case employer comes to conclusion that conviction or ground of acquittal in criminal case would not affect the fitness for employment incumbent may be appointed or continued in service.

16. The learned counsel for the petitioners would also bring to the attention of this court that some of the similarly situated persons were given appointments and the orders of appointment of those persons have been enclosed in the typed set of papers. They would, on instructions from the respective petitioners, submitted that in the event this court set aside the impugned orders, the petitioners undertake that they will not claim seniority over those who have already been appointed in the same batch.

17.0. Let this court now consider the eligibility of petitioners individually for appointment to the post of either Sub-Inspector of Police of Grade-II Police Constable , as the case may be, taking guidance from the judgement of the Supreme Court in **Avtar Singh's case** (supra).



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17.1. In this matter FIR was registered in 2015 for the alleged offences u/s 294(b), 323, 326 & 506(ii) of IPC. The petitioner was arrayed as A2 in the said case. The allegation is that the petitioner and the other accused due to previous enmity quarrelled with the victim party when the victim was passing through the land of the accused party on a stream, assaulted him with a stick and caused injuries. The said case was taken cognizance in C.C.No.231 of 2017 by the learned Magistrate, Arani and by judgement dated 22.10.2021, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was, however, recorded after the employment notification. The court had acquitted the petitioner from the charges for no evidence and the petitioner had furnished the information of pendency of the case against him, the authorities ought to have considered the same in the light of the judgement in the case of Avtar Singh's case.

17.2. Mere involvement in some petty cases like the one in the instant case would not render a person unsuitable for the job. Yet, as already discussed above, when the case which was pending against the petitioner at the time of notification and subsequently ended in acquittal after the notification, in the



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considered opinion of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.4331 of 2022:

17.3. In this matter, FIR was registered in 2020 for the alleged offences u/s 294(b), 324 & 506(ii) of IPC. The allegation is that when the petitioner and few of his friends, who were playing cricket went to the nearby agricultural field, to collect the cricket ball, trampled the standing crops, when it was questioned by the agricultural workers, there arose a quarrel in which the accused party is said to have abused the victim party in a filthy language, assaulted and caused injuries to them. The petitioner was arrayed as A4 in the said case. This court is informed that the said case was, however, closed on 09.03.2021 itself as mistake of fact. The respondents did not dispute the same.



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17.4. The petitioner contended that he was not aware of the pendency of the case and as such he did not disclose the same in the application. The respondents were not able to produce any material to show that the petitioner had knowledge of the criminal case registered against him. Therefore, it cannot be said that the petitioner deliberately suppressed the material information.

17.5. Even assuming that he had knowledge, mere non-disclosure of the particulars of the case which was pending against the petitioner and closed as mistake of facts, in the considered opinion of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.23718 of 2022:

17.6. In this matter, FIR was registered on 16.11.2021 u/s 174(1) of



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Cr.P.C. for unnatural death and dead body, during investigation, turned to be

that of one Mohanraj who loved one Chitra, the sister of the petitioner herein and had married her. The allegation against the petitioner is that the marriage of Mohanraj with Chitra was objected to by the family of Chitra. Mohanraj was ill-treated and humiliated on the basis of his caste (SC). Therefore, he had committed suicide. On the basis of the suicidal note left by the deceased, the case was subsequently altered from Section 174(1) of Cr.P.C. to Section 306 of IPC r/w 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The petitioner was arrayed as A1 in the said case. The petitioner is the sister of Chitra. This court was informed that the said case was, closed on 23.04.2023 as mistake of fact. The petitioner along with others implicated for offence of abetment to commit suicide merely because she was the sister of the husband of the deceased Mohanraj. The police finding no material closed the case as mistake of fact. It is to be noted that the very FIR itself was registered after the selection process was over. Therefore, the question of suppression of material information does not arise. When the materials collected during investigation were not sufficient enough to continue with the investigation, mere registration of the case cannot be put against the petitioner. In these circumstances, the case which was pending against the petitioner no way affect



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his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.27526 of 2022:

17.7. In this case, FIR came to be registered in 2018 for the offences u/s 294(b), 323, 324 & 506(ii) of IPC. The allegation is that the petitioner and the other 2 accused made a comment about walking of one Vinayagamurthy who was found to be drunken. The petitioner faced the trial before the learned Judicial Magistrate,-II, Tindivanam. The case was ended in acquittal by judgement 13.12.2018. The notification was of 2019. Though the petitioner was acquitted by giving benefit of doubt as the witnesses turned hostile, aggrieved by the acquittal by giving benefit of doubt instead of recording acquittal on merits, the petitioner approached this court by way of revision in CrI.R.C.No.115 of 2021. This court by order dated 05.03.2021, declared the accused as simple order of acquittal. But, the particular of the pendency of the case was not disclosed in the application by the petitioner.

17.8. Mere non-disclosure of the particular of the case which was pending against the petitioner and subsequently ended in acquittal, in the



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considered opinion of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.34079 of 2022:

17.9. In this case, FIR came to be registered in 2010 for the offence u/s 147 & 323 r/w Section 4 of the Prohibition of Ragging Act, 1997. The dispute was between the students in the college. The petitioner faced the trial before the learned Judicial Magistrate, Thuraiyur in C.C.No.168 of 2010. The case was ended in acquittal by judgement 27.01.2011. The occurrence took place when the petitioner was at his early twenties. The notification was of 2019. But, the particular of the case was not disclosed in the application by the petitioner. The acquittal was long back.

17.20 Mere non-disclosure of the particular of the case which was pending against the petitioner and ended in acquittal, in the considered opinion



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of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.19995 of 2023:

17.21. In this matter, FIR came to be registered in 2017 for the offences u/s 294(b), 323, 324, 506(ii) of IPC. The allegation is that the petitioner and the other accused persons abused the victim in a filthy language objecting to his dancing in temple festival and assaulted him with hands and caused injuries to the victim. The petitioner faced the trial before the learned Judicial Magistrate, Gudiyatham in C.C.No.351 of 2018. The case was ended in acquittal by judgement 01.11.2019. The notification was of 2019.

17.22. Though it is admitted that the petitioner had shown the particulars of pendency of the case in his application, the case was pending at the notification and it ended in acquittal only in 2019 after the notification. It



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does not make any difference. On the date of considering the suitability there was no case pending. As already discussed above, the offences alleged are trivial in nature. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.20125 of 2023:

17.23. In this matter, FIR was registered against the petitioner in 2016 for the offences under Section 147, 294(b), 506(ii) of IPC and Section 4 of The Tamil Nadu Harassment of Women Act. The allegation in the FIR would clearly indicate that there was a dispute between the petitioner and his uncle's daughter over a love affair of the petitioner with the daughter of the uncle of the petitioner. The petitioner was put on trial and the case in C.C.No.141 of 2016 on the file of the Additional Mahila Court (Magisterial Level) at Cuddalore ended in acquittal by judgement dated 18.09.2017. He was acquitted by giving benefit of doubt. However, this court by order dated 05.02.2018 in



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CrI.O.P.No.28596 of 2017 converted the order of acquittal recorded by the trial court as honourable acquittal. The acquittal was much prior to the notification.

17.24. The petitioner had disclosed the pendency of the criminal cases in the application. The offences alleged are trivial in nature. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.21904 of 2023:

17.25. In this matter FIR was registered in 2020 for the offence u/s 294(b), 323, 324 & 506(ii) of IPC against the petitioner and 2 others. The petitioner was arrayed as A2 in the said case. The allegation is that the petitioner along with 2 others assaulted the victim – Arularasan, a college student by scolding him in a filthy language as to why he did not print their photographs in the banner erected for the wedding reception. The case in Crime No.96 of 2019 was taken cognizance in C.C.No.108 of 2020. The above said case ended in acquittal by judgement dated 21.10.2020. It is seen that charges were not substantiated by the prosecution. The occurrence took place



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when the petitioner was hardly twenty years old. The acquittal was much prior to the employment notification.

17.26. The other case registered in Crime No.435 of 2021 against the petitioner for the alleged offences u/s 269 & 270 of IPC. The petitioner was booked on the allegation that not minding the lock down imposed due to COVID 19 pandemic, the petitioner was found wandering in public place. This case was closed on 15.10.2021 as action dropped.

17.27. The petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal cases. The offences alleged are trivial in nature. Therefore, it cannot be said that the petitioner was involved in criminal cases involving moral turpitude. The involvement of the petitioner in the criminal cases would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.

W.P.No.22103 of 2023:

17.28 In this matter, FIR was registered in 2016 for the offences u/s 294(b), 323 and 506(ii) of IPC. The allegation against the petitioner is that he



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abused the victim, a passerby, in a filthy language and caused a simple injury on the right cheek with a stone.

17.29. The said case was taken cognizance in C.C.No.64 of 2018 by the learned Magistrate, Katpadi. After full trial, by judgement dated 18.09.2018, the learned Magistrate had acquitted the petitioner by giving benefit of doubt. The acquittal was much prior to the employment notification. However, the petitioner was denied appointment on the ground that he had deliberately suppressed his involvement in the criminal case and he was acquitted from the charges only by giving benefit of doubt and not on merits.

17.30. The notification was of 2019. But, the petitioner in the verification form suppressed the material information about the criminal offences for which he was prosecuted. The acquittal was in September, 2018. However, mere non-disclosure of the particular of the case which was pending against the petitioner and ended in acquittal, in the considered opinion of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned



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order which has been passed mechanically requires interference at the hands of

this court. This writ petition succeeds.

W.P.No.20204 of 2023:

17.31. In this matter, FIR was registered in 2015 for the offences 147, 294(b), 324 and 506(ii) of IPC against the petitioner and others. The petitioner was arrayed as A2 in the said case. The occurrence is said to have taken place the college premises when the petitioner and his friends objected to a co-student urinating nearby playground. The petitioner and other accused were students of the same college at that point of time. The allegation is that the petitioner and his friends asked a co-student not to urinate nearby college play ground and scolded him in a filthy language and assaulted him. The said case was taken cognizance in C.C.No.129 of 2016 by the learned Judicial Magistrate-III, Salem. After full trial, by judgement dated 25.09.2017, the learned Magistrate had acquitted the petitioner and the other accused by giving benefit of doubt. The acquittal was much prior to the employment notification way back in 2017. The notification was of the year 2022. But, the petitioner in the verification form suppressed the material information about the criminal offences for which he was prosecuted. The acquittal was in September, 2017. However, mere non-disclosure of the particular of the case which was pending against the



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petitioner and ended in acquittal, in the considered opinion of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically passed requires interference at the hands of this court. This writ petition succeeds.

17.32. Mere non-disclosure of the particular of the cases which were pending against the petitioner of which one ended in acquittal and the other was closed as action dropped, in the considered opinion of this court will not have any serious impact as the offences alleged were trivial in nature and the same, in fact, did not involve any moral turpitude. Therefore, it cannot be said that the petitioner was involved in a criminal case involving moral turpitude. The involvement of the petitioner in the criminal case would no way affect his fitness for employment. Therefore, this court is of the view that the impugned order which has been passed mechanically requires interference at the hands of this court. This writ petition succeeds.



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17.33. This court has decided to set aside the impugned orders and hold that the petitioners are entitled for appointment though service rule directs 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, since the petitioners were able to justify that they could be considered for appointment in the same batch as some of the similarly placed person have already been appointed in the respective batch.

In the result, **(1)** W.P.No.20125 of 2023: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Jail Warder based on the provisional selection made pursuant to the Notification of the year 2017. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

(2) W.P.No.34079 of 2022: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Sub-Inspector of Police based on the provisional selection made pursuant to the Notification of the year 2019. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.



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(3) W.P.No.19995 of 2023: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Sub-Inspector of Police based on the provisional selection made pursuant to the Notification of the year 2019. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

(4) W.P.No.23178 of 2022: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable based on the provisional selection made pursuant to the Notification of the year 2020. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to her.

(5) W.P.No.4331 of 2022: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable based on the provisional selection made pursuant to the Notification of the year 2020. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to her.

(6) W.P.No.27526 of 2022: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable based on the provisional selection made pursuant to



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the Notification of the year 2019. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

(7) W.P.No.5376 of 2022: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable / Grade II Jail Warden / Fireman based on the provisional selection made pursuant to the Notification of the year 2019. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

(8) W.P.No.22103 of 2023: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable based on the provisional selection made pursuant to the Notification of the year 2019. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

(9) W.P.No.21904 of 2023: This writ petition is allowed. The impugned order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable based on the provisional selection made pursuant to the Notification of the year 2022. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

(10) W.P.No.20204 of 2023: This writ petition is allowed. The impugned



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order is set aside. The respondents are directed to appoint the petitioner as Grade II Police Constable based on the provisional selection made pursuant to the Notification of the year 2022. It is made clear that the petitioner shall not claim seniority over those who have been appointed prior to him.

The appointments as directed above shall be made within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently connected MPS are closed.

31..07..2023

Index : yes / no
Neutral Citation : yes.
Speaking / Non Speaking Order
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To

- 1.The Secretary to Government, Home Department, Government of Tamil Nadu, Fort St. George, Chennai 600 008.
- 2.The Director General of Police / Chairman, Tamil Nadu Uniformed Services Recruitment Board, Pantheon Road, Chennai 600 008.
- 3.The Additional Director General cum Director General of Prisons, Whannels Road, Egmore, Chennai 600 008.
- 4.The Deputy Inspector General of Police, Vellore Range, Vellore.
- 5.The Deputy Inspector General of Police, Office of the Deputy Inspector General of Police, Salem Range, Salem.
- 6.The Superintendent of Police, Tiruvannamalai District.



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7.The Superintendent of Police, Dharmapuri District, Dharmapuri.

8.The Superintendent of Police, Salem District, Salem.

9.The Superintendent of Police, Villupuram District.

10.The Superintendent of Police, Namakkal District, Namakkal.

11.The Superintendent of Police, Vellore District, Vellore.

12.The Superintendent of Police, Cuddalore District, Cuddalore.

13.The Superintendent of Police, Nagapattinam District, Nagapattinam.

14.The Superintendent of Police, District Police Office Building,
Sathuvacheri, Vellore 632 009.

15.The Commissioner of Police, Salem City, Salem.

16.The Sub-Inspector of Police, Velankanni P.S., Nagapattinam District.



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W.P.No.5376 of 2022, etc., batch

N.SATHISH KUMAR.J.,

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Writ Petition

Nos.5376, 4331, 23718, 27526, 34079 of 2022
19995, 20125, 21904, 22103 & 20204 of 2023

31..07..2023