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W.P.No.19097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19097 of 2023 &

WMP.No.18348 of 2023

P.Arunkumar

... Petitioner

Vs

1. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2. The Superintendent of Police,
Ariyalur District.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent pertaining to proceedings in C.No.A2/ 6309/ 2023 dated 16.06.2023 and quash the same and consequently direct the respondents to appoint the petitioner to the post of Grade II police constable within the time stipulated by this Court.

For petitioner : Mr.T.Deeraj



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For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the proceedings of the second respondent in C.No.A2/ 6309/ 2023 dated 16.06.2023 and consequently direct the respondents to appoint the petitioner to the post of Grade II Police Constable within the time stipulated by this Court.

2. The case of the writ petitioner is that he has been provisionally selected for Grade II Police Constable for recruitment for the year 2022. However, he has been non suited on the ground that there is a criminal case registered against the petitioner for the offences under section 143, 188 of IPC.

3. It is the case of the respondent that the petitioner has fraudulently suppressed his involvement in a criminal case and only on verification, it came to know about the pendency of a criminal against the



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petitioner. Therefore, submitted that, as per Rule 14[b] [ii] and [iv] of TNSPSS, the impugned Order has been passed and the same needs no interference.

4. I have perused entire materials available on record. On a perusal of the First Information Report, it is seen that the First Information Report has been registered for the offences under sections 143 and 188 of IPC for certain alleged protest made by the students. The petitioner name not found in the First Information Report and in the absence of any arrest or issuance of summon, one may not know pendency of a criminal case against him. It is also brought to the notice of this Court that the First Information Report referred by the respondents in Crime No.555 of 2017 registered for the offence under sections 148 and 188 of IPC, has been quashed by this Court in CrI.O.P.No.11121 of 2023 on 11.05.2023.

5. In this regard it is relevant to refer the judgment of the Apex Court in **Avtar Singh v. Union of India** [(2016) 8 SCC 471] and as per the dictum laid down by the Apex Court, mere non-disclosure of the



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particulars of the cases which were pending against the petitioner which has been quashed by this Court, 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, merely on the date of the application, if a candidate has stated that no criminal case is pending, it cannot be said that he has suppressed deliberately. Hence, mere pendency of a criminal case without the knowledge of any person, that too his name has not been included in the First Information Report, such circumstances cannot be put against the petitioner to non suit him in a Government job. In such view of the matter, the impugned Order is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned proceedings of the second respondent dated 16.06.2023 is quashed and the second respondent is directed to appoint the petitioner in the post reserved for him within a period of two months from the date of receipt of



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a copy of this Order. It is made clear that the petitioner cannot claim any seniority. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
2. The Superintendent of Police,
Ariyalur District.



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N.SATHISH KUMAR, J.

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