



W.P.(MD) Nos.11654 & 11655 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.11654 & 11655 of 2022

P.Ayyankalai

... Petitioner in
W.P.(MD)No.11654/2022

K.Athi Prabhu

... Petitioner in
W.P.(MD)No.11655/2022

Vs.

1.The Director General of Police,
State Head Quarters Office,
Chennai.

2.Tamilnadu Uniform Services Recruitment Board,
Old Commissioner of Police Office,
Pantheon Road, Egmore,
Chennai – 08.



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

4.The Additional Director General of Police
and Inspector General of Prisons,
Whanels Road, Egmore,
Chennai – 08.

... Respondents in
both W.Ps.

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.A3/19700/105/2020 dated 17.03.2022 and quash the same as illegal and direct the respondents to appoint the petitioners as Grade-II Constables in the service of the Tamil Nadu Police Department and disburse all other services and monitory benefits.

For Petitioner : Mr.K.Dinesh
(In both W.Ps)

For Respondents : Mr.Veera Kathiravan,
(In both W.Ps) Additional Advocate General
Assisted by Mr.K.Balasubramani,
Special Government Pleader



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COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

These Writ Petitions have been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.A3/19700/105/2020 dated 17.03.2022 and quash the same as illegal and direct the respondents to appoint the petitioners as Grade-II Constables in the service of the Tamil Nadu Police Department and disburse all other services and monitory benefits.

2. The learned counsel appearing for the petitioner submitted that the petitioner was selected for the post of Police Constable Grade II for the year 2020 and thereafter, his candidature was rejected by the third respondent, vide order dated 17.03.2022, on the ground that he was suppressed the information of involvement in Crime No.10 of 2020. He further submitted that in the said criminal case, the petitioner was released vide order of this Court dated 02.02.2022 in CrI.O.P.(MD)No.20823 of 2021. Without considering the said



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fact, the third respondent has passed the impugned order dated 17.03.2022.

Hence, the impugned order is liable to be set aside.

3. According to the learned Additional Advocate General appearing for the official respondents, at the time of submitting the application for the post of Grade II Police Constable, the criminal case in Crime No.10 of 2020 was registered against the petitioner and subsequently, charge sheet was filed on 07.05.2020 and the same is pending before the learned Judicial Magistrate, Thiruppuvanam. He further submitted that after the results have been published, a criminal original petition was filed in CrI.O.P.(MD)No.20823 of 2021 and based on the compromise entered between the parties, the said petition was allowed and the charge sheet filed as against the petitioner was quashed. Therefore, the respondents considering the Rule 14(b)(ii) & (iv) of Tamil Nadu Special Police Subordinate Services Rules, 1978, have rightly rejected the petitioner's application and hence, this writ petition is liable to be dismissed.



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4. We have heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5. Rule 14(b)(ii) & (iv) of Tamil Nadu Special Police Subordinate Services Rules, 1978 reads as follows:

“14(b). No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority.

(i) ...

(ii) that his character and antecedents are such as to qualify him for such service;

(iii).....

(iv) That he has not involved in any criminal case before police verification.

.....”

6. Further, the Hon'ble Supreme Court in ***Satish Chandra Yadav Vs. Union of India and others*** reported in ***2022 SCC OnLine SC 1300***, has held as follows:



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“90. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:

a)

b) Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

.....”

7. In view of the aforesaid Rules and the judgment of the Hon'ble Supreme Court, we are of the view that there is no merit in this Writ Petition and consequently, the same is liable to be dismissed.



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8. Accordingly, these Writ Petitions are dismissed. No costs. It is made clear that the observations made in the order, will not influence the respondents for considering the petitioners' candidature in the next selection process.

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

04.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

vsm

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