



W.P(MD)No.13211 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13211 of 2023

and

W.M.P.(MD)Nos.11167 and 11168 of 2023

B.Muthupandi

... Petitioner

Vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai – 8.

2.The Director General of Police,
O/o the Director General of Police,
Tamil Nadu, Chennai – 600 004.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the



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3rd respondent in his proceedings in Na.Ka.No.A9/13850/506/2022 dated 04.05.2023 and quash the same as illegal and consequentially to direct the respondents to consider the name of the petitioner for the appointment to the post of Police Constable Grade II within the period that may be stipulated by this Court.

For Petitioner : Mr.J.Imran Khan

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.T.Villavan Kothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents.

2.The petitioner is an aspirant for the post of Grade II Police Constable. The recruitment notification was issued by the Board on 30.06.2022. The petitioner applied in response thereto. He was



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successful in the written test as well as in the physical tests. However, by the impugned order, the petitioner has been informed that he has been disqualified. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the petitioner had been acquitted on merits on 12.12.2022. He also would point out that the defacto complainant is the petitioner's cousin. He relied on the decision of the Hon'ble Division Bench rendered in W.A.(MD)No.938 of 2020 etc on 05.06.2023. He wanted this Court to take note of the ratio laid down in Paragraph No.19 of the said decision. He called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The learned Additional Advocate General submitted that the impugned order does not call for interference and pressed for dismissal of the writ petition.



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5.I carefully considered the rival contentions and went through the materials on record. It is not in dispute that the petitioner was shown as accused in Crime No.788 of 2020 registered on the file of Natham Police Station. The recruitment notification was issued on 30.06.2022. In the application submitted by the petitioner, his involvement in the criminal case has been suppressed. Thus, the petitioner is clearly guilty of suppression. The learned Additional Advocate General relied on the decision of the Hon'ble Apex Court reported in **2020 SCC Online SC 1300 (Satish Chandra Yadav Vs. Union of India)**. Sub Clause C of Paragraph No.90 of the said judgment reads as follows:-

“90.C) The suppression of material information and making a false statement in the verification Form relating to arrest, prosecution, conviction etc., has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.”

When the petitioner is thus guilty of suppression, by applying the ratio laid down by the Hon'ble Apex Court in the aforesaid judgment, I have to necessarily sustain the impugned order.



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6.Of course, the petitioner got acquittal on 12.12.2022. The learned counsel for the petitioner submitted that the petitioner had obtained honourable acquittal before the trial Court. The learned Additional Advocate General on the other hand would contend that the witnesses appear to have been won over and in any event, acquittal is founded only on ground of benefit of doubt. I do not want to go into this aspect of the matter. Since the petitioner had indulged in suppression of material facts, no interference is called for.

7.Of course I need to deal with the contentions of the learned counsel founded on the recent decision of the Hon'ble Division Bench in W.A.(MD)No.938 of 2020 etc dated 05.06.2023. With the greatest of respect to the Hon'ble Division Bench, when the learned Additional Advocate General places before me the decisions of the Hon'ble Apex Court, the Hon'ble Full Bench as well as the Hon'ble Larger Bench, I have to give the weight of precedents in favour of the respondents.



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8.In this view of the matter, no interference is warranted with the impugned order and the writ petition stands dismissed. The dismissal of this writ petition will not come in the way of the authority from showing indulgence to the petitioner by considering his representation. No costs. Consequently, connected miscellaneous petitions are closed.

08.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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