



W.P(MD)No.13439 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13439 of 2023

and

W.M.P(MD)No.11339 of 2023

G.Thirupathi

... Petitioner

Vs

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai – 600 004.

2.Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai – 600 008.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.P1/E-3844177/2022 dated



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11.05.2023 issued by the third respondent and quash the same and consequently direct the respondents to issue appointment order to the petitioner for the post of Grade II Constable for Armed Reserve Police, Tamil Nadu Special Police, Fireman and Jail Warder notified for common Recruitment vide Notification No.02/2022 dated 30.06.2022.

For Petitioner : Mr.R.Gowrishankar
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.K.Balasubramani
Special Government Pleader

ORDER

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

2. The petitioner is an aspirant for the post of Police Constable Grade II. He took part in the petition mentioned selection process. He was successful in the tests. However, by the impugned memorandum he has been disqualified. Challenging the same, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not persuaded by the submission of the learned counsel appearing for the petitioner.

5. The learned Additional Advocate General points out that in the petitioner's application form he had answered in negative to the question if any criminal case was filed against him. The application form was submitted on 20.07.2022. It is a fact that criminal case was registered against the petitioner in Crime No.119 of 2017 on the file of T.Kallupatti Police Station as early as in May 2017. It culminated in final report. Cognizance was taken. However, the case ended in acquittal on 07.09.2017.

6. The learned counsel appearing for the petitioner would claim that the acquittal was on merits. The question is not whether the petitioner obtained honorable acquittal. The petitioner cannot even cross the threshold bar. The



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Hon'ble Apex Court in a decision reported in **2022 SCC OnLine SC 1300**

(Satish Chandra Yadav Vs Union of India & Others) had held as follows:

“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) Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials—more so, in the case of recruitment for the police force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society’s security.

[See Raj Kumar (supra)]

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.

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



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information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.

d) The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.

e) The Court should inquire whether the Authority concerned whose action is being challenged acted mala fide.

f) Is there any element of bias in the decision of the Authority?

g) Whether the procedure of inquiry adopted by the Authority concerned was fair and reasonable?"

7. I have also consistently held whether there is a suppression on the part of the candidate, the employer is entitled to show him the door. The order impugned in this writ petition does not call for interference. It stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

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