



W.P(MD)No.14660 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14660 of 2023

and

W.M.P(MD)No.12380 of 2023

R.Navaneethakumar

... Petitioner

Vs

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 003.

2.The Chairman,
Tamil Nadu Uniform Services
Recruitment Board,
No.8, Pantheon Road,
Egmore,
Chennai – 600 008.

3.The Superintendent of Police,
Madurai District,
Madurai – 625 007.

... 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



W.P(MD)No.14660 of 2023

pertaining to the rejection Letter issued by the third respondent vide Na.Ka.No.B1/E-3844177/2022 dated 11.05.2023 and quash the same as arbitrary and illegal and consequently direct the respondents to confirm petitioner selection for GR II Police constable AR as per the selection conducted by the Tamil Nadu Uniform Service Recruitment Board-2022.

For Petitioner : Mr.L.Rajiah

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is an Ex-service man. After retiring from Indian Army, the petitioner wanted to join the State Police Force. He participated in the recruitment process for the post of Police Constable Grade II. However, the third respondent by the impugned memorandum dated 11.05.2023 had rejected the petitioner's application on two grounds:

- a) He was involved in a criminal case
- b) The petitioner had failed to disclose his involvement while filling up the application.



W.P(MD)No.14660 of 2023

The question that calls for consideration is whether the impugned memorandum deserves to be interfered with.

3. The learned counsel appearing for the petitioner pointed out that the petitioner had been an exemplary soldier and such a person deserves to be inducted in the State Police Force. I do appreciate the said stand. But then the Service Rules is otherwise. Rule 14(b) of Tamil Nadu Special Police Subordinate Service Rules is as follows:

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

(i) that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service and

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

(iii) that such a person does not have more than one wife living.

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

Explanation (1): A person who is acquitted or discharged on benefits of doubt or due to the fact that the complainant turned hostile shall be treated as person involved in a criminal case.



W.P(MD)No.14660 of 2023

Explanation (2): 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.”

The petitioner has not been honourably acquitted. The petitioner was shown as an accused in Crime No.20 of 2010 on the file of AWPS, Theni and it was taken on file in C.C.No.163 of 2011 on the file of Judicial Magistrate, Theni. The case ended in acquittal on 10.07.2017 on account of compromise between the parties. Such an outcome will not enure to the benefit of the candidate. The petitioner would still be treated as a person involved in a criminal case.

4. That apart, failure of the petitioner to disclose his involvement is fatal.

The 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)



WEB COPY



W.P(MD)No.14660 of 2023

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

This decision had been consistently applied and followed by this Court. The learned Additional Advocate General draws my attention to the order dated 08.06.2023 made in W.P(MD)No.13211 of 2023 (***B.Muthupandi Vs The Member Secretary & Others***) and the decision of the Hon'ble Division Bench in W.A(MD)No.609 of 2023 dated 12.06.2023 (***C.Srinivasan Vs The State of Tamil Nadu & Others***).



W.P(MD)No.14660 of 2023

5. Both the reasons set out in the impugned memorandum are well founded. No case for interference has been made out. This writ petition stands dismissed. The dismissal of this writ petition will not come in the way of the petitioner representing to the competent authority and the competent authority from taking an indulgent view taking into account the petitioner's past record as an exemplary soldier. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 003.

2.The Chairman,
Tamil Nadu Uniform Services
Recruitment Board,
No.8, Pantheon Road,
Egmore,
Chennai – 600 008.

3.The Superintendent of Police,
Madurai District,
Madurai – 625 007.



WEB COPY



W.P(MD)No.14660 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.14660 of 2023
and
W.M.P(MD)No.12380 of 2023

21.06.2023