



W.P.(MD).No.17990 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17990 of 2023

and

W.M.P(MD)No.15027 of 2023

V.Dharmaseelan

... 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 of Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him in his proceedings in ந.க.எண்.பி3/800/2022 dated



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30.06.2023 and quash the same as arbitrary and consequently direct the 2nd respondent to appoint the petitioner based on the provisional selection list issued by the 2nd respondent in the post of Grade-II Police Constable on par with the petitioner batchmates for the recruitment done in the year 2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.R.Murugesan

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.M.Prakash
Additional Government Pleader

ORDER

The present Writ Petition has been filed to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed by him in his proceedings in ந.க.எண்.பி3/800/2022 dated 30.06.2023 and quash the same as arbitrary and consequently direct the 2nd respondent to appoint the petitioner based on the provisional selection list issued by the 2nd respondent in the post of Grade-II Police Constable on par with the petitioner batchmates for the recruitment done in the year 2022 within the time limit that may be stipulated by this Court.



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2.The second respondent issued a notification inviting applications from the eligible candidates for the common recruitment to the post of Grade-II Police Constable, Grade-II Jail Warden and Fireman for the year 2022. As per the said notification, the petitioner made an application and pursuant to the same, wrote the written examination and passed out successfully. Thereafter, he was called for Physical Endurance Test on 07.02.2023. Upon successful completion of the Physical Test, after certificate verification, he was declared to have been selected and his name was placed in the list of provisionally selected candidates. At the time of submitting his application, a criminal case was pending against him on the file of the Regunathapuram Police Station for the offences under Sections 147, 148, 294(b), 324, 326, 341 and 506 (i) of I.P.C, dated 19.01.2017 and the same culminated in filing of charge sheet and the case is now pending in C.C.No.152 of 2018 before the Judicial Magistrate, Karambakudi, Pudukottai District. Even at the time of making his application, he has disclosed the complete details of the said pending criminal case and he duly disclosed the same at the time of certificate verification also. However, on 30.06.2023, to the shock and dismay of the petitioner, the 3rd respondent passed the impugned rejection order disqualifying the petitioner to be appointed in the post of Grade II Police Constable on the ground that the petitioner had



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suppressed the pendency of the said criminal case.

3. The learned Additional Advocate General appearing for the respondents fairly conceded that by oversight, the respondents had mistakenly observed that the petitioner had suppressed the material information about the registration of a criminal case in Crime No.9 of 2017 on the file of the Regunathapuram Police Station and the culmination of the same in filing a final report in C.C.No.152 of 2018 before the Judicial Magistrate, Karambakudi, Pudukottai District. Since the said fact is incorrect, the impugned order, dated 30.06.2023 passed by the third respondent may be quashed and the matter may be remanded back to the competent authority to consider the same on its own merits and facts.

4. Heard Mr.D.R.Murugesan, learned counsel appearing for the petitioner and Mr.Veera.Kathiravan, learned Additional Advocate General appearing for the respondents and anxiously perused the materials available on record.



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5. This is a typical case where the petitioner's chances of being selected and appointed as a Grade-II Police Constable has been negated by the respondent authorities despite the petitioner's stellar performance in the written examination and also the Physical Endurance Test. The respondents ought to have seen that the petitioner has not suppressed the pendency of a criminal case as against him. Moreover, the petitioner had proved his merit and ability in the selection process and the same ought to have been considered by the third respondent.

6. Considering the fact that the right to be considered for public employment is a fundamental right as guaranteed under Article 226 of the Constitution of India, this Court is inclined to quash the impugned order, dated 30.06.2023 passed by the third respondent and remand the matter back to the third respondent.

7. In the light of the above, this Writ Petition is partly allowed setting aside the order passed by the third respondent, dated 30.06.2023 and the matter is remanded back to the third respondent. The petitioner is directed to make a fresh representation along with the details of the pending C.C.No.152 of 2018 before the learned Judicial Magistrate, Karambakudi, Pudukottai District. On



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receipt of the same, the third respondent shall consider the petitioner's representation in the light of the fact that the petitioner had not suppressed the fact of registration of a criminal case as against him either in his application or during certificate verification and in view of Rule 14(b) of the Tamil Nadu Special Police Subordinate Services Rules, 1978, the petitioner's representation may be considered and appropriate orders shall be passed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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- 2.The Member of Secretary,
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L.VICTORIA GOWRI, J.

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