



W.P.(MD)No.21571 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21571 of 2023 &
W.M.P.(MD)Nos.17983 & 17986 of 2023

M.Yuvaraja

...Petitioner

Vs.

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

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

3.The Director,
Fire and Rescue Department,.
No.17, Rukmani Lakshmipathi Road,
Chennai - 08.

4.The Superintendent of Police,
Theni District, Theni.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to impugned proceedings in Na.Ka.No.19468/A1/2021-1 dated 07.07.2023 issued by the 3rd respondent herein and quash the same as



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illegal and arbitrary and consequently direct the respondents to appoint the petitioner in the post of Fireman in Tamil Nadu Uniform Service Department for the year 2022 based on the Provisional Selection List published by the second respondent.

(Prayer amended vide Court order dated 05.12.2023 in W.M.P. (MD)No.23581 of 2023 in W.P.(MD)No.21571 of 2023)

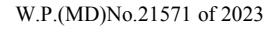
For Petitioner : Mr.M.Jeyakumar

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

The present writ petition has been filed by an aspirant to the post of Fireman challenging the order, wherein, his selection was cancelled on the ground of suppression of pendency of criminal case against him.

2. The writ petitioner was arrayed as an accused in Crime No.34 of 2016 on the file of Uthamapalayam Police Station for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) IPC on 02.04.2016. The petitioner has made an application to the post of Fireman on 21.07.2022. In the said application, he has not referred about his involvement in the criminal case. During Police verification,



the same was brought to the notice of the Authorities and thereafter, the order impugned has been passed rejecting his selection.

3. According to the learned counsel for the petitioner, the petitioner was involved in a pathway dispute with his relatives and thereafter, the matter was settled between the parties and the petitioner was acquitted on 27.02.2017 and therefore, he has not mentioned about the said involvement in the criminal case.

4. *Per contra*, the learned Additional Government Pleader appearing for the respondents had contended that the order of acquittal clearly discloses that the witnesses have turned hostile and the petitioner has not been acquitted honourably. That apart, the petitioner has suppressed about his involvement and acquittal in the criminal case. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions on either side and perused the records.



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6. Admittedly, the petitioner was involved in a criminal case, wherein, an FIR was lodged against him on 18.01.2016 and he was acquitted on the basis that the witnesses have turned hostile on 27.02.2017. When the petitioner had submitted his application on 21.07.2022, the petitioner had suppressed about his involvement. The averments alleged in the FIR would clearly show that they are not trivial in nature. Eventhough the petitioner contended that the dispute is between the family members and they have settled the same, it is not reflected in the order of the Criminal Court or the petitioner has not approached this Court for quashment of FIR or Charge Sheet. Therefore, it cannot be concluded that the matter is settled between the parties. A perusal of the acquittal order clearly indicates that he is acquitted only on the ground that the witnesses have turned hostile.

7. The learned counsel for the petitioner had relied upon the Division Bench Judgment in W.A.(MD)No.938 of 2020, etc. batch dated 05.06.2023 to contend that mere suppression of involvement in criminal case would not be fatal in case the criminal case is trivial in



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nature. As already pointed out, this Court has already come to the conclusion that the criminal case is not trivial in nature and the petitioner was acquitted only on the ground that the witnesses have turned hostile. Therefore, the Division Bench Judgment is not applicable to the facts of the present case.

8. In view of the above said deliberations, there are no merits in the writ petition and hence, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking Order

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R.VIJAYAKUMAR, J.

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