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W.A.(MD) No.1216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1216 of 2023

P.Anbarasan

... Appellant

-VS-

1.The Member Secretary
Tamilnadu Uniform Services
Recruitment Board
Chennai

2.The Chairman Sub Committee
Tamilnadu Uniform Services
Recruitment Board
Ramanathapuram Range
Ramanathapuram District

3.The Director General of Police-cum-
Inspector General of Prison
Whannels Road
Egmore, Chennai-600 008

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 22.04.2021, passed in W.P.(MD) No.8271 of 2021, on the file of this Court.

For Appellant : Mr.V.Kannan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.J.Ashok
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 22.04.2021, dismissing the writ petition in W.P.(MD) No.8271 of 2021, filed by the appellant herein.

2. The appellant applied for the post of Grade-II Police Constable pursuant to the recruitment notification issued by the respondents in 2017. It is the case of the appellant that he received an order dated 14.03.2019 from the third respondent stating that he was not selected on account of his



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involvement in criminal cases and also suppression of the same in Serial Nos. 15 and 16 in the verification roll. Challenging the same, the appellant filed the writ petition nearly two years later, on the grounds that the criminal cases were registered only after he submitting the application and that in one of the cases, he is not involved as the person involved actually in that case is one Anbu.

3. Learned counsel appearing for the appellant states that now, in both criminal cases, the appellant has been exonerated after investigation.

4. This Court finds that the learned Single Judge dismissed the writ petition, mainly on the ground of laches. However, learned counsel for the appellant has not produced any material to show that there is a valid explanation for the appellant to file the writ petition after a delay of nearly two years. To be noted, approaching this Court two years after completion of selection process is a factor to be considered while exercising the discretionary power of the Court in the writ petition.



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5. It is brought to the notice of this Court by the learned Additional Advocate General appearing for the respondents that the appellant's candidature was rejected as he has suppressed his involvement in criminal cases in Serial Nos.15 and 16 of the Verification Roll.

6. This Court finds that when a specific order is passed by the third respondent rejecting the appellant's candidature, on the ground of suppression of material fact during verification, the appellant has not even chosen to respond the same in the form of affidavit. However, the appellant states that the criminal cases were registered after the submission of his application and therefore, non-mentioning of those criminal cases in the verification roll is not at all relevant.

7. The learned Single Judge, having regard to the facts and circumstances of the case, has refused to entertain the writ petition, solely on the ground of laches, as the appellant filed the writ petition only in the year 2021 challenging the order of rejection passed in the year 2019. Hence, this Court finds no valid reason to interfere with the order passed by the learned Single Judge.



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8. Therefore, this writ appeal fails and it is dismissed. However, it is open to the appellant to apply afresh for recruitment, however, he is reminded that he is required to disclose the nature of the criminal cases, which he has failed to disclose in the present selection process. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

28.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Member Secretary,
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Recruitment Board,
Chennai.
- 2.The Chairman Sub Committee,
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