



W.P.No.3932 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3932 of 2024

P.Selvaratchagan

...Petitioner

-Vs-

1. Director General of Police,
O/o.Office of the Director General of Police,
TamilNadu, Chennai04.

2. The District Superintendent of Police,
Cuddalore District,
Cuddalore.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings by the 2nd respondent in Rc.No.610829/Rect.1(2)/2020, Dated 11.09.2020 and to quash the same as illegal and consequently directing the 1st respondent appoint the petitioner to the post of Grade-II Police Constable/Grade-II Jailer Warden in accordance with law.



W.P.No.3932 of 2024

For petitioner : Mr.M.Velmurugan

For respondents : Mrs.R.L.Karthika,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent dated 11.09.2020 thereby rejected the request made by the petitioner for appointing him in the post of Grade-II Police Constable/Grade-II Jailer Warden.

2. The petitioner had applied for the post of Grade-II Constable for the year 2017 in the Tamilnadu Police and he was selected for the post of Grade-II Constable. During certificate verification, it was found that he involved in a criminal case in Cr.No.618 of 2014 for the offence under sections 294(b), 323, 324 of IPC. Concerned police officials filed final report and the same has been taken cognizance in C.C.No.150 of 2014 on the file of the Judicial Magistrate No.I, Panruti. The said case ended in acquittal by the judgment dated 13.01.2015. Therefore, his candidature was cancelled for the reasons that he suppressed the fact that he already involved in criminal case. Therefore, it was challenged before this Court in



W.P.No.3932 of 2024

W.P.No.30471 of 2017. This Court passed an order dated 07.01.2020 setting aside the order passed by the 2nd respondent dated 09.10.2017 and directed the Director General of Police, Mylapore to consider the petitioner's selection for the appointment to the post of Grade-II Police Constable in the light of the judgment of the Hon'ble Supreme Court of India in Avtar Singh Case. Therefore, the petitioner made request to the first respondent. However, it was once again rejected by order dated 11.09.2020.

3. On perusal of the records, it revealed that the impugned order was passed on 11.09.2020. It is now challenged after a period of four years. There is absolutely no explanation by the petitioner. On perusal of the order passed by the Criminal court, he was acquitted on the ground that the prosecution failed to prove the charges beyond reasonable doubts. Further the petitioner had suppressed the said fact while filling up verification roll form. Further he was acquitted on the ground that the prosecution witness i.e., the complainant turned hostile. However, those facts were suppressed by the petitioner. Therefore, as per rule 13(b) & (e) and explanation (I) of TNPSS rules, he is not eligible for appointment to the post of Grade-II



W.P.No.3932 of 2024

Police constable. Further, in the case of *Avtar Singh vs Union of India*

and others reported in **2016 (8) SCC 471** the Hon'ble Supreme Court of India held that information given to the employer by a candidate as to conviction, acquittal or arrest or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information. Further, Rule 13 of Tamilnadu Police Subordinate Service Rules states that no person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority. The candidates' character and antecedents such as to qualify him for such service; that the candidate has not involved in any criminal case before Police Verification. The explanation also says that a person who is acquitted or discharged on the benefit of doubt or due to the fact that the complainant turned hostile shall be treated as a person involved in a criminal case. In the case on hand also, the Defacto-complainant turned hostile and as such the petitioner was acquitted. Further, he admittedly suppressed his involvement in the criminal case. Hence, the first respondent rightly rejected the request made by the petitioner.



W.P.No.3932 of 2024

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4. Therefore, this court cannot find any infirmity or illegality in the order passed by the 2nd respondent dated 11.09.2020. This writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

20.02.2024

Index : Yes/No
Internet: Yes/No
gvn



W.P.No.3932 of 2024

G.K.ILANTHIRAIYAN,J.
gvn

To

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W.P.No.3932 of 2024

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