



W.P.No.9667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9667 of 2022
and
W.M.P.No.9408 of 2022

S.Senthilkumar

...Petitioner

-Vs-

1.The Director General of Police,
Chennai – 600 004.

2.The Chairman-cum-Director General of Police,
Tamilnadu Uniformed Services Recruitment Board,
Anna Salai,
Chennai – 600 002.

3.The Commissioner of Police,
City Police Office,
Salem City.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned order passed by the 1st Respondent herein in his proceeding RC.No.67837/Rect.2(1)/2016 dated 06.08.2020 and quash the same and consequently issue a direction directing the Respondent herein to confirm the provisional selection of the Petitioner and appoint the Petitioner as



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Sub-Inspector of Police (Taluk) for the year 2015, without reference to the criminal case registered in Cr.No.545/2004, Sooramangalam Police Station, Salem District on par with his batch mates with all consequential service benefits within a time frame.

For Petitioner : M/s.G.Bala and Daisy

For R1 and R3 : Mr.P.Kumaresan
Additional Advocate General
assisted by
Dr.T.Seenivasan
Special Government Pleader

For R2 : M/s.Arun Dattan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 06.08.2020, thereby rejected the request made by the petitioner seeking appointment for the post of Sub-Inspector of Police.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had applied to the post of Sub-Inspector of Police



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in the year 2015. He was called for a written test. After clearing written test, he was called to attend the physical test and interview. After clearing the certificate verification and medical test, he was asked to fill up the form in which he was asked to inform whether any criminal case is pending against the petitioner. The petitioner stated 'No'. However, on verification, it was found that the petitioner was involved in a criminal case in C.C.No.256 of 2005, on the file of the Judicial Magistrate II, Salem. Thereafter, he was acquitted by the Judgment dated 28.10.2009 on the ground that there is no evidence to prove the case beyond any doubt. Therefore, the petitioner was not selected by the Commissioner of Police, Salem, who by an order dated 22.12.2015, rejected the selection of the petitioner to the post of Sub-Inspector of Police.

4. In fact the said order was challenged before this Court in W.P.No.3905 of 2015 and the same was dismissed by this Court by an order dated 03.02.2016. Thereafter, the petitioner filed a petition in CrI.O.P.No.30258 of 2018 for declaration declaring that the acquittal order passed in C.C.No.256 of 2005 as a Hon'ble Acquittal. This Court



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by an order dated 21.12.2018, declared that the order of acquittal passed by the Trial Court in C.C.No.256 of 2005 as Hon'ble Acquittal. However, the batch of orders passed by the learned Single Judge of this Court were set aside by the Hon'ble First Bench of this Court which observed that there is no question of Hon'ble Acquittal and it is not defined under any Act. On the strength of the order passed by this Court in CrI.O.P.No.30258 of 2018 dated 21.12.2018, once again, the petitioner made a request to appoint him as Sub-Inspector of Police for the selection of the year 2015. It was also rejected by the first respondent.

5. A perusal of records revealed that the petitioner was involved in Crime No.545 of 2004 registered for the offences under Sections 147, 325 read with Sections 149, 323 and 506(2) of IPC. After completion of investigation, the final report has been failed and the same has been taken cognizance in C.C.No.256 of 2005, on the file of the Judicial Magistrate II, Salem. However, the prosecution failed to prove its case and as such, it ended in acquittal. The Hon'ble Full Bench of this Court held that a person acquitted on benefit of doubt in a criminal case, can still be



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considered as disqualified for selection to the Police Service of the State and that the same cannot be termed as illegal or unjustified.

6. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

02.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

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