



WEB COPY

W.P.No.21200 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.21200 of 2021
and W.M.P.No.22479 of 2021

G.Murugan

... Petitioner

Vs.

The Director General of Police,
Office of the Director General,
Kamarajar Salai, Mylapore,
Chennai 600 004.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents vide Na.Ka.No.101799/CC-1/Appointment 2(2)/2008 dated 04.12.2009 and 28.06.2021 and quash the same and directing the respondent to appoint the petitioner as Band Master within the time frame as may be fixed by this Court.

For Petitioner : Mr.A.Murali

For Respondent : Mr.R.U.Dinesh Rajkumar, AGP



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ORDER

This Writ Petition has been filed for quashment of the orders of the respondents vide Na.Ka.No.101799/CC-1/Appointment 2(2)/2008 dated 04.12.2009 and 28.06.2021 and consequently, to direct the respondent to appoint the petitioner as Band Master within the time frame as fixed by this Court.

2. The case of the petitioner is that in the year 2007, the Tamil Nadu Police Department had called for applications for recruitment to the post of Band Master. The petitioner also applied for the same and participated in the selection process. The petitioner passed the written examination and also qualified in the physical test conducted by the Department. Thereafter, the petitioner received a letter dated 04.12.2009 from the Department stating that the applicant has been disqualified under the ground of alleged offence in FIR in Crime No.1706 of 2004 on the file of Villupuram Police Station. For which, the petitioner gave a representation to the respondent dated 24.04.2021 explaining all the facts and prayed to reconsider his application. The respondent, by its reply dated 28.06.2021, had rejected the representation



of the petitioner without any proper enquiry. Aggrieved by the same, the present Writ Petition has been filed before this Court.

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3. Heard the learned counsel on both sides and perused the materials available on record.

4. The learned counsel for the petitioner submitted that one Jeyakumari lodged a false complaint in Crime No.1706 of 2004 and the same was ended in acquittal by the Judicial Magistrate No.I, Villupuram as the complainant has not proved her case. Since the case has ended in acquittal, there is no case pending against the petitioner and the petitioner has applied for the said post on the genuine impression and he has also provided the said details in his application. Hence, he prayed to appoint him as Band Master.

5. Per contra, the learned Additional Government Pleader appearing for the respondent vehemently opposed even for entertaining this writ petition on the ground that the petitioner had suppressed the pending criminal case against him in his application form. He further submitted that the petitioner had knowledge about the pending criminal case and in spite of the same, he



had suppressed the said fact. In support of his contention, he relied on the judgment of this court in ***W.P.No.2042 of 2023 (R.Sankar Vs. The State of Tamil Nadu and others) dated 30.01.2023.***

6. Considering the submissions made by the learned counsel on both sides and on perusal of the order of this Court in W.P.No.2042 of 2023, it is clear that while determining suppression or false information, the same must pertain to the information that is specifically sought for in the application and the same must be within the knowledge of the petitioner. In the present case, both the ingredients are satisfied. There was a specific column in the application wherein the petitioner was asked as to whether any criminal case has been filed against him. The petitioner categorically states that there is no criminal case pending against him. In view of the same, this Court does not find any illegality in the impugned orders passed by the respondent. The suppression of a material fact at the time of submitting the application, particularly, in a discipline service, involves moral turpitude and it has to be dealt with stringently. The Courts cannot show any leniency for such wilful suppression of material fact.



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7. In view of the aforesaid reasons, the Writ Petition lacks merits.

Accordingly, the same is hereby dismissed. No costs. Consequently,
connected Miscellaneous Petition is closed.

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vkr

Index : Yes / No

Speaking order / Non-speaking order

To

The Director General of Police,
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VIVEK KUMAR SINGH, J.

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