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W.P.No.19324 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.19324 of 2020

and

W.M.P.No.23919 of 2020

M.Sripall

.... Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed by him in Na.Ka.No.M1/22432/2019 dated 02.03.2020 and quash the same and direct the respondents to send the petitioner for training as Grade-II Police Constable (TSP) for the year 2019 based on his provisional selection for appointment and grant him all consequential service and monetary benefits and monetary benefits and grant such other further relief.

For Petitioner : Mr.Venkatramani
Senior Counsel
for Mr.M.Muthappan

For Respondents: Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.S.Prabhakaran
Government Advocate



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ORDER

The present Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed by him in Na.Ka.No.M1/22432/2019 dated 02.03.2020 and quash the same and direct the respondents to send the petitioner for training as Grade-II Police Constable (TSP) for the year 2019 based on his provisional selection for appointment and grant him all consequential service and monetary benefits and grant such other further relief.

2. The petitioner belongs to Adi Dravida Community and he is a graduate. Pursuant to the Notification issued by the Uniformed Services Recruitment Board, he applied for the post of Grade II PC in the year 2019 and got selected. The grievance of the petitioner is that after all the stages of selection was over, while he was anticipating appointment order, to his shock and surprise, he was issued with the impugned order dated 02.03.2020 by the 1st respondent, rejecting the appointment of the petitioner on the ground that the petitioner has suppressed his involvement in a criminal case in Column Nos. 15 & 18 of the application form and therefore, as his conduct and antecedents are not satisfactory, his selection to the post of Gr.II Police Constable came to be



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rejected. Challenging the impugned order dated 02.03.2020, the petitioner has come forward with the present Writ Petition.

3. Mr.Venkatramani, learned Senior Counsel appearing for the petitioner submitted that the appointment of the petitioner for the aforesaid post came to be rejected by the first respondent on the premise that the petitioner has suppressed the information regarding his involvement in the criminal case at the time of applying for the aforesaid post. The only contention of the learned Senior Counsel is that the petitioner is falsely implicated in the criminal case vide Cr.No.16/2017 dated 16.01.2017 for the offence under Sections 294(b), 323 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. He would further submit that the petitioner is no way connected in the criminal case and the petitioner was unaware of the registration of the criminal case against him, but the charge sheet was filed against the petitioner in CC No.98/2017, the criminal case filed by the petitioner was also investigated and the charge sheet was filed before the Competent Court in CC.No.16/2017 on the file of Judicial Magistrate-I, Kancheepuram.

3.1. He would further submit that pending the criminal case, he participated in the process of selection for the appointment to the post of



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Grade-II Police Constable, and after all the stages of selection was over, the petitioner was issued with the impugned order dated 02.03.2020 by the first respondent, rejecting his claim for appointment on the ground that his conduct and antecedents are not satisfactory and he could not be appointed as Grade-II Police Constable for the reason that the petitioner was involved in a criminal case registered in Crime No.16/2017 on the file of Baluchettychatram PS of Kancheepuram District for offences under Sections 294(b), 323 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and the said CC is pending on the file of JM-I, Kancheepuram and the petitioner has also failed to mention the same in Column Nos.15 & 18 of the application form for appointment and has suppressed the information regarding his involvement in the criminal case, thereby he is ineligible for appointment to the post of Grade-II Police Constable. The criminal case is pending trial and the same is posted on 27.12.2024.

3.2. It is also submitted by the learned Senior Counsel that, if the petitioner is acquitted honourably and not on benefit of doubt, his case may be considered on the judgment of Hon'ble Supreme Court in the case of ***Avtar Singh Vs. Union of India (UOI) and others***, decided on 21.07.2016, Special Leave Petition (C) Nos.20525/2011, 4757/2014 and 24320/2014.



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4. Mr.P.Kumaresan, learned Additional Advocate General appearing for the first respondent filed a counter affidavit on 25.01.2021, and submitted that as per Explanation (1) to the Special Rule 14(b)(iv) of the Tamilnadu Special Police Service Manual read with Government Rules laid in G.O.101 (Home) Police Department, dated 30.01.2003, it is stated as, "A person who involved in a criminal case acquitted in the Court by giving benefit of doubt or complainant turned hostile, he may be treated as involved in the said criminal case", thereby the 1st respondent has rightly rejected the application of the petitioner vide his proceedings in Na.Ka.No.M1/22432/2019, dated 02.03.2020. The learned Additional Advocate General has referred Clause 7 of para 30 of the judgment of *Avtar Singh* case, which reads as follows:

"In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order canceling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper."

4.1. By relying on the same, the learned Additional Advocate General submitted that the order dated 02.03.2020 passed by the first respondent, is just and reasonable. Hence, he prayed for dismissal of the present Writ Petition.



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5. Heard both sides and perused the materials available on record.

6. In the case on hand, the petitioner himself admitted that a criminal case was registered against him in Crime No.16/2017 on the file of Baluchettychatram PS of Kancheepuram District for offences under Sections 294(b), 323 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, which is pending trial on the file of Baluchettychatram PS of Kancheepuram District, and the same is posted on 27.12.2024. The petitioner also admitted in the affidavit that he failed to mention the information regarding his involvement in the criminal case in Column Nos.15 & 18 of the application form for the appointment of above said post.

7. Since the petitioner has suppressed the information regarding his involvement in the criminal case, he is ineligible for appointment to the post of Grade-II Police Constable. Hence, this Court is of the considered view that the impugned order passed by the first respondent dated 02.03.2020, cancelling the provisional selection of the petitioner for appointment to the post of Grade-II Police Constable, does not warrant any interference of this Court.

8. In view of the factual matrix of the case, this Court is not inclined



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to accept the submissions made by the learned Senior Counsel for the petitioner, that the matter has to be considered by the first respondent in the light of judgment of *Avtar Singh* case stated supra, for the reason, if the employee has mentioned the involvement in the criminal case and not suppressed the fact, however, in the present case, the petitioner has suppressed the information regarding his involvement in the criminal case at the time of applying for the aforesaid post.

9. In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

16.12.2024

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

J.SATHYA NARAYANA PRASAD,J.,
jd

To
1. The Superintendent of Police,
Kancheepuram District.



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2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4.

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