



WEB COPY



W.P. No. 22939 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.22939 of 2021 and
W.M.P. No.24151 of 2021

T. Nedunchezhiyan,
S/o. Thanasekaran,
No.1/186, South Street,
Karai Village and Post,
Gingee Taluk,
Villupuram District.

... Petitioner

Vs.

1. The Commissioner,
Social Welfare Department,
Government of Tamil Nadu,
Chennai 600 015.

2. The Tamilnadu Public Service Commission,
Represented by its Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai 600 003.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified Mandamus, calling for the records of the impugned order of cancellation of appointment of the petitioner dated 30.09.2021 vide in Memo No.3406/PSD-12/2019 passed by the 2nd respondent and quash the same, consequently direct the respondents to allow the petitioner to work as Junior Assistant in the 1st



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respondent department.

For Petitioner : Mr. K. Balu
For R1 : Mr. R.V. Dinesh Rajkumar
For R2 : Ms. G. Hema

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent dated 30.09.2021 and for a consequential direction to the respondents to allow the petitioner to work as a Junior Assistant in the first respondent department.

2. The case of the petitioner in a nutshell is as follows:

2.1. The petitioner was appointed as a Junior Assistant by the first respondent vide proceeding in Se.Mu.Na.Ka.No.17165/Niru.4(3)/2020 dated 18.09.2020 and was working under the control of the first respondent.

2.2. On 24.02.2021 a show cause notice was issued by the second respondent to the petitioner calling upon him to submit his explanation with regard to suppression of criminal case pending against him. On



08.04.2021, the petitioner submitted a representation seeking one month time to submit his explanation and accordingly, time was granted by the first respondent till 05.05.2021. On 03.05.2021, the petitioner submitted his detailed explanation to the first respondent. However, the second respondent vide his Memo No.3406/PSD-12/2019 dated 30.09.2021 cancelled the appointment of the petitioner and also prohibited him from appearing for the recruitments of the second respondent for a period of one year. Aggrieved over the said order, the present writ petition is filed.

3. Heard the learned counsel appearing on either side.

4. The matter in issue has been settled by this Court in W.P.No.2042 of 2023 (***R.Sankar vs. The State of Tamil Nadu and 4 others***), by order dated 30.01.2023. In paragraph number 9 of the said order, the question which has been raised before this Court has been settled and the same is extracted hereunder:

"It is clear from the above 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 applicant. In the present case, both the ingredients are



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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. Whereas, there was in fact a criminal case that was pending in C.C. No.7 of 2019. The same was also within the knowledge of the petitioner and hence, the petitioner must be held guilty of suppressing the material fact. In view of the same, this Court does not find any illegality in the impugned order passed by the 5th respondent and the orders that were relied upon by the learned counsel for the petitioner, will not come to the aid of the petitioner. 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. Courts cannot show any leniency for such will full suppression of material fact."

5. In view of the observations made by this Court in W.P. No.2042 of 2023, the present writ petition lacks merits and accordingly, the same is hereby dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2024

Index : Yes/No
Speaking Order : Yes/No



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To:

1. The Commissioner,
Social Welfare Department,
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Chennai 600 015.
2. The Tamilnadu Public Service Commission,
Represented by its Secretary,
TNPSC Road, V.O.C. Nagar,
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VIVEK KUMAR SINGH,J.

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