



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.27944 of 2024

V.Dinesh Kumar

... Petitioner

Vs.

1.The Director General of Police /HoPF
Tamil Nadu,
Chennai 600 007

2. The Commissioner of Police,
Greater Chennai Police,
Veperi, Chennai 600 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the communication of the 2nd respondent in RC No.R&T(2)/10/3393/2023 dated 24.03.2023 and also consider the petitioner for the post of Gr II PC (AR) for the year 2024 or in future.

For Petitioner : M.Rajasekar
For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 and R2



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ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the communication of the 2nd respondent dated 24.03.2023 and also the representation made by the petitioner wherein the petitioner has sought for considering him for appointment to the post of Grade II Police Constable (AR).

2. Heard M.Rajasekar, learned counsel for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for respondents 1 and 2.

3. The specific case of the petitioner is that his candidature was not considered since he did not mention about the pending criminal case in CC No.333 of 2018 on the file of learned Judicial Magistrate, Thiruvottiyur. The further case of the petitioner is that the criminal case ended in acquittal and yet



another case that was registered against the petitioner was also quashed by this Court in Crl OP No.31867 of 2019 dated 16.03.2020. In view of the same, the petitioner wants his candidature to be considered by the respondents.

4. In the considered view of this Court, the very fact that the petitioner had suppressed a criminal case while submitting an application, by itself is a ground for rejecting the application of the petitioner. Where the criminal case is pending against a person, it is the bounden duty of that applicant to state the true facts in the application. If that is not done, it amounts to moral turpitude. Hence, the consistent view of the Hon'ble Apex Court and this Court is that once there is a suppression of material fact pertaining to the pendency of the criminal case, that by itself is a ground to reject the application. Therefore, the subsequent event where the petitioner get acquitted from the criminal case and the other FIR getting quashed by this Court, will not come to the aid of the petitioner. This is more so since the application made by the petitioner is in a disciplined force.



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5. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court. Accordingly, this writ petition stands dismissed. No costs.

24.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
rka



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N. ANAND VENKATESH, J.

rka

To

1. The Director General of Police /HoPF
Tamil Nadu,
Chennai 600 007
2. The Commissioner of Police,
Greater Chennai Police,
Veperi, Chennai 600 007.

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