



W.A(MD)No.2146 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD)No.2146 of 2021
and
CMP(MD)No.10177 of 2021**

1.The Director General of Police,
O/o. Director General of Police,
Dr.Radhakrishnan Road, Mylapore,
Chennai – 4.

2.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office
Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Police,
Ramanathapuram District.

... Appellants

Vs.

M.Arun Kumar

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 19.01.2021 in WP(MD)No.8285 of 2020 on the file of this Court.



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For Appellants : Mr.Veerakathiravan,
Additional Advocate General
assisted by K.Selvaganesan
Additional Government Pleader

For Respondent : Mr.P.Karthik

JUDGMENT

(Judgement of the Court was delivered by G.R.SWAMINATHAN, J.)

The appellants have preferred this intra-court appeal against the order dated 19.01.2021 in W.P.(MD) No.8285 of 2020.

2.The writ petitioner applied in response to the notification calling for applications for the post of Grade – II Police Constable in Tamil Nadu Special Police Youth Brigade in the year 2017. He cleared the written examination and also the physical efficiency test and medical test. Though he was called for certificate verification and selected, he was not appointed. Subsequently, order dated 24.10.2017 was passed by the Superintendent of Police, Ramanathapuram denying appointment to the writ petitioner by invoking Rule 14 (b) (ii) and (iv) of the Tamil Nadu Special Police Subordinate Service Rules. The case against the writ petitioner was that he had suppressed his involvement in a criminal case. The petitioner filed WP(MD)No.22516 of 2017. The writ petition was partly allowed by quashing the order impugned in the writ petition and the matter was remitted to the file of the Superintendent of Police,



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Ramanathapuram who was asked to revisit the issue. Pursuant to the said direction, the impugned order dated 24.10.2019 was passed holding that the writ petitioner was ineligible for appointment. Challenging the same, WP(MD)No.8285 of 2020 came to be filed. The learned Single Judge vide order dated 19.01.2021 allowed the writ petition.

3.The question that calls for consideration is whether the learned Single Judge was right in allowing the writ petition. The learned Additional Advocate General relied on the decisions reported in **(2023) 7 SCC 536 (Sathish Chandra Yadav v. Union of India)** and **(2023 SCC OnLine SC 1181 (State of Madhya Pradesh v. Bhupendra Yadav))**. He also submitted that the latest decision reported in **(2024) 5 SCC 264 (Ravindra Kumar v. State of Uttar Pradesh)** cannot be taken to have overruled the earlier precedents.

4.It is seen that Crime No.10 of 2016 was registered on the file of the Keelathooval Police Station for the offence under Section 12 of the Tamil Nadu Gaming Act, 1930. This case was closed by the Judicial Magistrate, Mudhukulathur on 08.07.2017. The case was registered on 17.01.2016. The application in response to the recruitment notification was submitted on 14.02.2017. It is true that the writ petitioner did not disclose the involvement in the criminal case. It is obvious that the case registered against the writ



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petitioner was rather trivial in nature. It was for a petty offence. In fact, it was eventually closed. The Hon'ble Supreme Court in the decision reported in **(2016) 8 SCC 471 (Avtar Singh vs. UOI)** observed that suppression of one's involvement in petty or trivial cases can be ignored by the employer by condoning the lapse.

5.It is true that suppression of one's involvement in a criminal case is a serious matter and cannot be viewed lightly. Though there is a line of cases supporting the stand of the learned Additional Advocate General, we are inclined to adopt the approach laid down in the latest decision reported in **(2024) 5 SCC 264 (Ravindra Kumar v. State of Uttar Pradesh)**. It is worth mentioning that in **Ravindra Kumar**, all the earlier precedents have been considered. Finally, it was laid down that broad-brushing every non-disclosure as a disqualification will be unjust and the same will tantamount to being completely oblivious to the ground realities. It was further clarified that each case will depend on the facts and circumstances that prevail thereon and the court will have to take a holistic view. In the decision reported in 2023 INSC 754 (State of West Bengal v. Mitul Kumar Jana), the very same approach was adopted. Applying the same approach, we are of the view that the petitioner had answered in the negative because he was afraid that he may be deprived of employment if he answered in the affirmative. The petitioner's parents are working as coolies. The petitioner hails from a very poor and economically



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weaker section. In the facts and circumstances of the case, we are of the view that the failure to disclose his implication in the criminal case need not be viewed as suppression warranting disqualification. The learned Single Judge has already held in favour of the respondent herein. In exercise of jurisdiction under Clause 15 of Letters Patent, we do not propose to interfere with the order impugned in this writ appeal. The writ petitioner shall be sent for training at the earliest opportunity.

6. Respectfully applying the ratio laid down in ***Ravindra Kumar v. State of UP (2024) 5 SCC 264***, we sustain the order passed by the learned Single Judge allowing the writ petition. Accordingly, this Writ Appeal stands dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.P., J.]
21.11.2024

NCC : Yes / No
Internet : Yes / No
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