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Review Application(MD)No.59 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 15.02.2024

PRONOUNCED ON : 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Review Application(MD).No.59 of 2023

Gokul Ganesh

... Petitioner

Vs.

1.The Director General of Police,
Head Office, Chennai-4.

2.The Superintendent of Police,
Pudukkottai District, Pudukkottai.

3.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.

... Respondents

Prayer: Review Petition filed under Order 47 r/w Section 114 of Civil Procedure Code, to review the order in W.A(MD)No.474 of 2022, dated 05.06.2023 on the file of this Court.

For Appellant : Mr.M.Ramu

For Respondents : Mr.Veera Kathiravan
: Additional Advocate General
assisted by S.P.Maharajan
Special Government Pleader



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3. According to the learned counsel appearing for the petitioner, in FIR registered in Crime No.139 of 2017 on the file of Thirukkokarnam Police Station, the petitioner was not arrayed as an accused. Even at the time of police verification on 12.09.2017, no criminal case was pending and till 24.04.2018, no charge sheet was laid before the concerned Court.

4. Per contra, the learned Additional Advocate General appearing for the respondents had contended that charge sheet has been laid before the Judicial Magistrate Court, Pudukkottai on 25.07.2017, in which, the petitioner has been arrayed as the second accused. However, at the time of police verification, the petitioner had suppressed about the pendency of the criminal case and hence, the review petition may be dismissed.

5. We have carefully considered the submissions made on either side and perused the material records.

6. The petitioner had made an application to the post of Grade-II Police Constable on 15.02.2017 and the FIR registered in Crime No.139 of 2017 on 17.05.2017 does not reveal the name of the petitioner. Therefore, on the date of



submission of application, no criminal case was pending as against the writ petitioner. However, a charge sheet has been laid before Judicial Magistrate Court, Pudukkottai on 25.07.2017, in which the petitioner is arrayed as the second accused. The police verification has been conducted on 12.09.2017 and the review petitioner has not mentioned about the pendency of the criminal case. By an order, dated 06.05.2020, the candidature of the petitioner has been rejected.

7. According to the petitioner, he was not aware of the filing of the chargesheet by the concerned police on 25.07.2017 and therefore, non mentioning of the involvement in the criminal case during police verification on 12.09.2017 cannot be considered to be a suppression of material fact. Even assuming the contention of the petitioner to be true that he was not aware of the filing of the charge sheet, yet it cannot be considered that the petitioner was not at all involved in the criminal case at the time of police verification. Though it may not fall under the category of suppression of material fact, the case of the petitioner would fall under the category of involvement of the petitioner in a criminal case on the date of police verification.



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8. The charge sheet has been quashed by this Court in Crl.O.P(MD)No. 17444 of 2018 on 28.09.2018. As per Rule 14 (b) (iv) of Tamil Nadu Police Sub-ordinate Service Rules, a candidate should not be involved in any criminal case before the date of police verification. In the present case, admittedly a charge sheet has been laid as against the review petitioner on 25.07.2017 which was pending on the date of police verification, namely on 12.09.2017. Therefore, the contention of the review applicant that there is an error apparent on the face of the record is not sustainable in the eye of law. However, as pointed out by this Court in W.A(MD)No.474 of 2022, he would be entitled to be considered in the next selection process, if he is otherwise qualified.

9. In view of the above said deliberations, there are no merits in the review application and the same stands dismissed.

(D.K.K.,J.) (R.V.,J.)
08.03.2024

Index :Yes
Internet :Yes/No
NCC :Yes/No

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**D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR,J.**

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Pre-delivery Judgment made in
Review Application(MD)No.59 of 2023

08.03.2024