



W.A.(MD).No.1106 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

and

THE HONOURABLE **MR.JUSTICE K.K.RAMAKRISHNAN**

W.A.(MD).Nos.1106 of 2016, 1180 of 2016, 435 of 2014,
436 of 2014, 540 to 544 of 2014

and

C.M.P.(MD).Nos.6769 of 2016, 7636 of 2016, and
M.P.(MD).Nos.1, 1, 1, 1, 1, 2, 2, 2, 2, 2 and 3 of 2014

W.A.(MD).No.1106 of 2016

1.The Chariman

Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Lee Chengalvarrayar Maligai,
Anna Salai, Chennai -02.

2.The Superintendent of Police,
Madurai Rural, Madurai -07.

... Appellants

Vs.

V.Rajesh

(Registration No.2411916)

... Respondent

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.2194 of 2013, dated 26.03.2013.

For Appellants	: Mr.Veera Kathiravan Additional Advocate General assisted by Mr.A.K.Manikkam Special Government Pleader
For Respondent	: Mrs.C.Jaya Indira patel



W.A.(MD).No.1106 of 2016

W.A.(MD).No.1180 of 2016

1.The Director General of Police/Chairman,
Tamil Nadu Uniform Service Recruitment Board,
No.807, P.T.Lee Chengalvarrayar Maligai,
Anna Salai, Chennai -02.

2.The Superintendent of Police,
Sivagangai District.

... Appellants

Vs.

C.Jeyakumar
(Registration No.2902301)

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.2864 of 2013, dated 26.03.2013.

For Appellants	: Mr.Veera Kathiravan Additional Advocate General assisted by Mr.A.K.Manikkam Special Government Pleader
For Respondent	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates

W.A.(MD).No.435 of 2014

1.The Director General of Police,
Chennai.

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

... Appellants

Vs.

S.Kalaiselvan

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.1994 of 2013, dated 26.03.2013.

For Appellants	: Mr.Veera Kathiravan Additional Advocate General assisted by Mr.A.K.Manikkam Special Government Pleader
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W.A.(MD).No.1106 of 2016

For Respondent : Mr.K.Guhan

W.A.(MD).No.436 of 2014

WEB COPY

1.The Director General of Police,
Chennai.

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

... Appellants

Vs.

S.Vijayan

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.2076 of 2013, dated 26.03.2013.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader

For Respondent : Mr.K.Guhan

W.A.(MD).No.540 of 2014

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai 600 004.

2.The Tamil Nadu Uniformed Services Recruitment Board,
represented by its Chairman,
No.807, II Floor, Anna Salai, Chennai 02.

3.The Superintendent of Police,
Madurai Rural, Madurai.

... Appellants

Vs.

Ganesan

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.4707 of 2013, dated 16.04.2013.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam



W.A.(MD).No.1106 of 2016

For Respondent

Special Government Pleader
: Mr.S.M.Mohan Gandhi

WEB **W.A.(MD).No.541 of 2014**

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, P.T. Lee Chengalvarrayar Maligai,
Anna Salai, Chennai 02.

2.The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board, Anna Salai,
Chennai 600 002.

3.The Director General of Police,
Kamarajar Salai, Chennai 600 004.

4.The Superintendent of Police,
Madurai Rural, Madurai- 07.

5.The Inspector of Police/Special Wing,
Office of the Superintendent of Police,
Madurai District.

... Appellants

Vs.

R.Nagaselvam
(Registration No.2408475)

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.1277 of 2013, dated 16.04.2013.

For Appellants

: Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader

For Respondent

: No appearance

W.A.(MD).No.542 of 2014:

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai.



W.A.(MD).No.1106 of 2016

2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Chennai.

3.The Superintendent of Police,
Madurai District.

... Appellants

Vs.

G.Manimaran

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.5371 of 2013, dated 16.04.2013.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader

For Respondent : No appearance

W.A.(MD).No.543 of 2014:

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-02.

3.The Superintendent of Police,
Madurai Rural, Madurai.

... Appellants

Vs.

R.Karthikeyan

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.5506 of 2013, dated 16.04.2013.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader



W.A.(MD).No.1106 of 2016

For Respondent : No appearance

W.A.(MD).No.544 of 2014

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1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai 600 004.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai-02.

3.The Superintendent of Police,
Madurai Rural, Madurai.

... Appellants

Vs.

R.Selvam

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.5507 of 2013, dated 16.04.2013.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader
For Respondent : Mr.K.Kevinkaran

COMMON JUDGMENT

(Judgment of the Court was delivered by **K.K.RAMAKRISHNAN, J.**)

Since the issue involved in these writ appeals is one and the same,
they have been taken up together and disposed of by this common judgment.



W.A.(MD).No.1106 of 2016

2. These writ appeals have been filed by the State challenging the orders passed by the learned single Judge in batch of Writ Petitions in W.P. (MD).Nos.474 of 2013 etc., batch dated 26.03.2013 and 16.04.2013, allowing each individual to have the benefit of the pendency of the issue before the Larger Bench of the Hon'ble Apex Court, as per the reference made in the judgment reported in **(2012) 7 MLJ 66 (SC)** in the matter of Jainendra Singh vs. State of U.P. Tr.Principal Section Home and others.

3. In all the above cases, the respondents/all the writ petitioners have participated in the recruitment process started in the year 2012 for the post of Grade-II, Police Constable. Their case for the appointment had subsequently come to be rejected on the ground that they have not disclosed either the pendency of the criminal case or the acquittal of the criminal case.

4. The learned single Judge of this Court allowed these writ petitions filed by the respondents with rider clause. Paragraph Nos.37 and 38 of the order in W.P.(MD).Nos.474 of 2013 etc., batch are as follows:

“37.The following writ petitions are also allowed and the petitioners’ selection is subject to the final judgment to be rendered by the Larger Bench of the Hon’ble Supreme Court as per the reference made in the judgment reported in (2012) 7 MLJ



W.A.(MD).No.1106 of 2016

66 (SC) in the matter of Jainendra Singh vs. State of U.P. Tr. Principal Section Home and others and in the event of the Hon'ble Supreme Court decides that suppression of involvement in the criminal case would disentitle the petitioners from getting a job in the police force, their appointment shall liable to be set aside at the discretion of the respondents.

S.No.	Case No.
01.	W.P.(MD).No.3056 of 2013
02.	W.P.(MD).No.3051 of 2013
03.	W.P.(MD).No.3313 of 2013
04.	W.P.(MD).No.2299 of 2013
05.	W.P.(MD).No.2913 of 2013
06.	W.P.(MD).No.2096 of 2013
07.	W.P.(MD).No.2706 of 2013
08.	W.P.(MD).No.2275 of 2013
09.	W.P.(MD).No.553 of 2013
10.	W.P.(MD).No.2194 of 2013
11.	W.P.(MD).No.1994 of 2013
12.	W.P.(MD).No.2496 of 2013
13.	W.P.(MD).No.1250 of 2013
14.	W.P.(MD).No.3448 of 2013
15.	W.P.(MD).No.2076 of 2013
16.	W.P.(MD).No.3371 of 2013
17.	W.P.(MD).No.3732 of 2013

38. In respect of W.P.(MD).No.3257 of 2013, the petitioner was charged for offences under Sections 147, 148 and



W.A.(MD).No.1106 of 2016

302 of I.P.C. and though the petitioner was acquitted in that case, having regard to his involvement for an offence under Section 302 I.P.C., such a person cannot be considered for appointment as Grade II Police Constable and therefore, the rejection of the petitioner in W.P.(MD).No.3257 of 2013 cannot be said to be unjustified and hence, that petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.”

5. Challenging the same, the present writ appeals have been filed and number of writ appeals were already allowed by the Division Bench of this Court in W.A.(MD).Nos.431, 432, 434, 1385, 1386 of 2014 and 1182 of 2017, dated 24.07.2023.

6. Mr.Veera Kathiravan, learned Additional Advocate General assisted by A.K.Manikkam, learned Special Government Pleader appearing for the appellants, on instructions furnished the details of the pendency of the case against the individual persons.

7. From the records, it is clear that an order of interim protection has been granted in favour of the State pending the writ appeal. The Hon'ble Three



W.A.(MD).No.1106 of 2016

Judges Bench of the Supreme Court has answered the reference by issuing detailed guide lines in paragraph No.38 of the judgment in the case of Avtar Singh Vs. Union of India and others reported in 2016 (8) SCC 471. The same was also reiterated by the Hon'ble Supreme Court in ***Satish Chandra Yadav vs. Union of India and others*** reported in **2022 SCC online SC 1300**. the same was considered by the earlier Division Bench of this Court in ***W.A.(MD).No. 431 of 2014 etc.***, and has held that a full and true disclosure is thus non-negotiable to the maintainability of an application by a candidate, that too, one filed by an aspirant to a post in the uniformed services.

8. In these cases, the learned Additional Advocate General furnished the detailed report about the antecedents of the writ petitioners and the suppression of the cases in the applications. A perusal of the details furnished by the learned Additional Advocate General shows that all the applicants failed to disclose either the pendency of the criminal case or the acquittal of the criminal case. Therefore, the writ petitioners are not entitled to get the relief of appointment in view of their suppression of pendency of the criminal case in the applications and also in view of the fact that the learned single Judge has allowed the writ petitions with the condition to adhere to the decision of the Larger Bench and the Hon'ble Larger Bench of the Supreme Court also has



W.A.(MD).No.1106 of 2016

decided against the writ petitioners, and this Court is inclined to allow these writ appeals filed by the State. Accordingly, these Writ Appeals are allowed and the orders passed in the above writ petitions are set aside. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]
26.02.2024

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

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W.A.(MD).No.1106 of 2016

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