



W.A.(MD)No.531 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.02.2024**

CORAM:

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

AND

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

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and

C.M.P(MD)No.4516 of 2017

1.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai – 600 004.

2.The Chairman
Tamil Nadu Uniform Services Recruitment Board,
Old Cop Office Campus, Pantheon Road,
Egmore, Chennai – 08.

: Appellants/Respondents

Vs.

A.ArulAmalanathan

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 26.03.2013 passed in W.P.(MD) No.5190 of 2010.

For Appellants : Mr.A.K.Manikkam
Spl. Govt. Pleader

For Respondent : Mr.P.R.Prithiviraj



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JUDGMENT

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

The writ appeal has been filed by the State challenging the order passed by the learned single Judge in W.P.(MD) No.5190 of 2010 dated 26.03.2013, allowing the respondent/writ petitioner has 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.***

2. In this case, the respondent is the participant in the recruitment process started in the year 2012 and he has not disclosed the acquittal of the criminal case.

3. The learned single Judge of this Court allowed the writ petition filed by the respondent with rider clause. Challenging the same, the present writ appeal has 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.

4. A.K.Manikkam, learned Special Government Pleader appearing for the appellants, on instructions, furnished the details of the pendency of the case against the respondent/writ petitioner.



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5. A perusal of the details furnished by the learned Special Government Pleader shows that the respondent/writ petitioner failed to disclose either the pendency of the criminal case or the acquittal of the criminal case. Hence, as per the judgment of the Hon'ble Apex Court in the case of ***Avtar Singh vs. Union of India and others*** reported in **2016 (8) SCC 471**, followed by the judgment of the Hon'ble Apex Court in the case of ***Satish Chandra Yadav vs. Union of India and others*** reported in **2022 SCC online SC 1300**, the writ petitioner is not entitled to get the relief of appointment.

6. In view of the suppression of pendency of the criminal case 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, this Court is inclined to allow this writ appeal filed by the State. Accordingly, this Writ Appeal is allowed and the order passed in the above writ petition is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

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

skn

28.02.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes



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