



W.A(MD)No.702 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A(MD) No.702 of 2019

and

C.M.P(MD)No.6245 of 2019

Y.Mohan Raj

... Appellant/Petitioner

Vs.

1.The Director General of Police and Chairman
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee, Chenalvaraya Naicker Building,
No.807, II Floor, Anna Salai,
Chennai – 600 002.

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

3.The Inspector of Police,
Mudukulathur Police Station,
Mudukulathur,
Ramanathapuram District.

....Respondents/Respondents



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Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.02.2018 made in W.P(MD)No.85 of 2013.

For Appellant :Mr.P.V.Vetrivel for
M/s.T.Lajapathi Roy and Associates
For Respondents :Mr.Veera Kathiravan,
Additional Advocate General, assisted by
Mr.A.Baskaran,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

The appellant herein challenges an order passed by a learned Single Judge dismissing W.P(MD)No.85 of 2013, dated 28.02.2018.

2. The issue involved in this case falls within a narrow compass. Pursuant to a notification dated 21.03.2012, inviting application for the Post of Grade-II Police Constable, the appellant herein has applied for the said Post. He sat for the written examination and he also stated to have completed the physical fitness test. However, at the stage of verification of certificates which is a stage before the interview, the



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appellant's candidature was rejected on the ground of his involvement in two criminal cases namely Crime No.41 of 2012 on the file of Peraiyur Police Station under Section 107 Cr.P.C., and Crime No.37 of 2012 on the file of the same Police Station under Sections 147, 148, 323, 324 and 506(i) I.P.C. The appellant challenged the same before the learned Single Judge, and as outlined earlier, it came to be dismissed and this order is now under challenge.

3. Heard both sides. The learned counsel for the appellant submitted that in both the criminal cases listed above, the case in Crime No.41 of 2012 was closed and the case in Crime No.37 of 2012 ultimately ended in acquittal. He added that both these cases came to be registered after the last date of notification, to be precise, after the appellant had applied for the Post. This would mean that as on the date of notification, there was no criminal antecedent against the appellant and therefore, subsequent events should not be telescoped backwards to impair the opportunities of the appellant. He also placed reliance on the authority of the Hon'ble Supreme Court in



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Pawan Kumar vs. Union of India and another [2022 LiveLaw(SC) 441].

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4. This Court finds the submissions of the appellant's counsel not impressive enough to persuade it to hold in favour of the appellant. It is not a case of any suppression of facts since the criminal cases came to be registered after the last date of the notification inviting application for the Post. Therefore, the rationale in ***Pawan Kumar's case*** may not have application here.

5. The larger issue is, should the authorities blindfold themselves to any allegation of involvement in a crime with regard to which at least two cases were registered after the date of notification but before the conclusion of the selection process?

6. This Court holds it in negative. After all, at the end of the day, the person who enters a service should have an unblemished character right before the time of his application and till he demits office. If the contentions of the appellant were to be appreciated, then it will give an easy passport to



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everyone who commits a crime after the closure of application to commit a crime and still can seek appointment and that too will set a dangerous course. In fine, this Court does not find any merit in this writ appeal.

7. In the result, this writ appeal stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

8. It is underscored that the alleged involvement of appellant in the aforesaid two criminal cases will not be a bar for him to seek future appointment in Government service inasmuch as neither of the cases have ultimately ended in conviction.

(N.S.S., J.) (P.V.M., J.)
08.07.2024

NCC : Yes/No
Index : Yes/No

PM



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