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W.A.No.1486 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**  
AND  
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

**W.A.No. 1486 of 2024**  
**and CMP No.10559 of 2024**

1. The Director General of Police, Tamil Nadu,  
O/o. The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai 600 004.
2. The Chairman  
Tamil Nadu Uniformed Services Recruitment Board,  
Old Commissioner of Police Office Campus,  
Pantheon Road, Egmore, Chennai 600 008.
3. The Deputy Inspector General of Police,  
Vellore Range, Vellore District, Vellore.
4. The Superintendent of Police,  
Vellore District, Vellore 632 009.

...Appellants

Vs.

C.Dilip Kumar

...Respondent

**Prayer:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside  
the order passed in WP No.19995 of 2023 dated 31.07.2023.



For Appellant : Mr.P.Kumaresan  
Additional Advocate General  
Asst. by Mr.S.Yashwanth,  
Additional Govt. Pleader

For Respondent : Mr. R.Jayaprakash

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## **J U D G M E N T**

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The appellants are aggrieved by the order of the Writ Court made in WP No.19995 of 2023, in and by which, a direction was issued to appoint the petitioner to the post of Sub Inspector.

2. The challenge in the Writ Petition was to the order of the Deputy Inspector General of Police, Vellore Range, dated 15.02.2023. The said order came to be passed in the following backdrop.

3. The respondent/petitioner had applied for the post of Sub Inspector of Police and he was successful in the selection process. However, he was denied appointment by order dated 02.06.2021 made in 2/14



Rc.No.A2/5178/2021 passed by the Deputy Inspector General of Police, Vellore Range. The rejection was on the ground that the respondent was involved in a criminal case and he was acquitted, since the witnesses turned hostile. This order dated 02.06.2021 was subject matter of challenge in WP No.16757 of 2021, this Court while setting aside the order remitted the matter to the Deputy Inspector General of Police, Vellore Range, with the following directions:

*“7. In a similar matter in W.P.No.17460 of 2021 involving the petitioner himself when he applied for the post of Police Constable in a different recruitment notification, his application was rejected only on the ground that he was involved in a criminal case which later ended in acquittal, this Court had quashed the said impugned order also and had remanded back the matter for fresh consideration on merits and in accordance with law.*

*8. For the foregoing reasons, the impugned order dated 02.06.2021 is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law with regard to the petitioner's request for*



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*issuance of appointment order in his favour for the post of Sub-Inspector of Police, within a period of twelve weeks from the date of receipt of a copy of this order. While passing the orders, the third respondent shall take into consideration the application dated 27.03.2019 submitted by the petitioner as well as the Judgment dated 01.11.2019 in C.C.No.351 of 2018 passed in favour of the petitioner wherein he has been acquitted.”*

Consequent upon this direction, the order impugned in the Writ Petition dated 15.02.2023 has been passed. For sake of convenience, a scanned copy of the said order is attached:



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PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE

VELLORE RANGE, VELLORE

PRESENT: THIRU, Dr. M. S. MUTHUSAMY, I.P.S.,

C.No.A2/E-1/238/2022  
R.O.No.70/2021

Dated: 15.02.2023

Short Title: Police Vellore Range Thiru.C.Dilip Kumar  
(Reg.No.0611095) S/o M.Chandrababu, Vellore District -  
Provisionally selected candidate for the post of Sub-  
Inspector of Police for the year 2019. - Not appointed  
due to involvement in criminal case - Compliance to  
orders dated: 15.11.2022 of the Hon'ble High court in  
W.P.No.16757 of 2021 filed by Thiru.C.Dilip Kumar  
(Reg.No.0611095) S/o M.Chandrababu, Vellore District  
Not eligible to appoint as SI of Police for the year 2019  
Orders issued -Reg.

- Read: 1. Chief Office memorandum in Rc.No.19262/Rect.II  
(1)/2019, dated: 16.04.2021  
2. Letter in C.No.A2(3)/09/08020/SI/FV/2021, dated:  
02.06.2021  
3. This Office endorsement in C.No.A2/5/38/2021, dated:  
02.06.2021  
4. Orders of the Hon'ble High Court of Madras  
W.P.No.16757 of 2021 and W.M.P.No.17721 of 2021,  
dated: 15.11.2022.  
5. Chief Office proceedings in Rc.No.3345949/Rect  
I(2)/2022, dated: 19.12.2022  
6. Chief Office memorandum in Rc.No.35522 /Rect.II  
(1)/2022, dated: 08.02.2023

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ORDER

Thiru.C.Dilip Kumar, (Reg.No.0611095) (AR) S/o M.Chandrababu, Vellore District had applied for the post of Sub-Inspector of Police for the year 2019 before the Tamil Nadu Uniformed Recruitment Board and his Registration No. is 0611095. He is provisionally selected candidate for the post of Sub-Inspector of Police for the year 2019. During Police verification, it was found that the petitioner was involved in a criminal case in Melpatti PS Cr.No.10/2017 u/s 294(a), 323, 374, 506 (ii) IPC on 17.01.2017 and the petitioner was arraigned as A-1 in F.I.R.



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2) The criminal case against the petitioner was acquitted u/s 248 (i) Criminal Procedure Code, by the Court of Judicial Magistrate, Gudiyatham in C.C.No.351 of 2018 on 01.11.2019. Since he was involved in criminal case his name was not considered for appointment for the post of Sub-Inspector of Police, for the year 2019.

3) Hence, an endorsement in the reference 3<sup>rd</sup> cited has been issued to the petitioner towards not selecting him for the post of Sub-Inspector of Police for the year 2019 as per TNPSS Rules in section 14(b) and (iv). Aggrieved by non-appointment Tr.M.C.Dilipkumar filed Writ petition in W.P.No.16757 of 2021 before the Honble High Court of Madras with the prayer to quash the endorsement order issued by the Deputy Inspector General of Police, Vellore Range, Vellore and direct the respondents to appoint him to the Sub-Inspector of Police for the year 2019. The Honble High Court on 15.11.2022 has ordered as follows:-

7. In a similar matter in W.P.No.17460 of 2021 involving the petitioner himself when he applied for the post of Police constable in a different recruitment notification, his application was rejected only on the ground that he was involved in a criminal case which later ended in acquittal; this Court had quashed the said impugned order also and had remanded back the matter for fresh consideration on merits and in accordance with law.

8. The impugned order passed by the Deputy Inspector General of Police, Vellore Range on 02.06.2021 is hereby quashed and the matter is remanded back to the third respondent (i.e. The Deputy Inspector General of Police, Vellore Range, Vellore) for fresh consideration on merits and in accordance with law with regard to the petitioner's request for issuance of appointment order in his favour for the post of Sub-Inspector of Police, within a period of twelve weeks from the date of receipt of a copy of this order. While passing this order, the third



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respondent shall take into consideration the application dated 27.03.2019 submitted by the petitioner as well as the Judgement dated: 01.11.2019 in C.C.No.351 of 2018 passed in favour of the petitioner wherein he has been acquitted.

4) In this connection in the Chief Office proceedings in the reference 5<sup>th</sup> case it is clearly ordered that it is not feasible for consideration of appointment as Gr.II PC as per rule 14(b) of INSPSS Rules as well as the Hon'ble Supreme Court directions and Hon'ble High Court directions and hence he is not eligible for the post of Gr II Police Constable for the year 2019 and the same was served to the petitioner Thiru.C.Dilip Kumar, (Reg.No.0611095) (AR) S/o M.Chandrababu, Vellore District.

5) His records were re-scrutinized and it is informed that Thiru.C.Dilip Kumar, Reg.No.0611095) (AR) S/o M.Chandrababu, Vellore District is also not eligible to appoint as SI for the year 2019 for involving in the above said case.

6) Receipt of this proceedings should be acknowledged.

  
Dy.Insp.Genl. of Police,  
Vellore Range, Vellore  


Thiru .C.Dilip Kumar (Reg.No.0611095)(AR),  
S/o M.Chandra Babu,  
No.1/133 Reddiyar Street, S.R.Kuppam Village, M.V.Kuppam Post, Pernambut Taluk,  
Vellore District - 635 805  
(Mobile No. 80156 65177) - through the Superintendent of Police, Vellore District (Two copies)  
He is instructed for causing service and to return the dated acknowledged copy of the same to this Office early.

Copy to: The Director General of Police, Tamil Nadu, Chennai - 04.  
Copy to: The Superintendent of Police, Vellore District, Vellore.

Received a copy  
C. Dilip Kumar  
30/02/2020



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4. A perusal of the order dated 15.02.2023 clearly reveals that the directions issued by this Court in WP No.16757 of 2021 have not been adhered to in their letter and spirit. As we could see there is a positive direction to the Deputy Inspector General of Police, Vellore Range, to consider the application of the petitioner and the judgment in the criminal case in CC No. 351 of 2018 passed in favour of the respondent and pass orders afresh. Surprisingly, we find that there is not even a reference to the judgment of the criminal case in the impugned proceedings dated 15.02.2023, we are 200% sure that this order has been passed mechanically and it is a make believe affair.

5. Be that as it may, we do not think we should remit the matter again to the appointing Authority as we have found that he is either incapable of comprehending the orders of this Court or that he does not want to comprehend the orders of this Court. The offences for which the petitioner/respondent was prosecuted in CC No.351 of 2018 are under Sections 294(b), 323, 324 and 506(ii) of IPC. A perusal of the judgment of



the Criminal Court reveals that the entire episode arose at a Temple festival in the village, where the respondent was a participant. It is seen from the judgment of the Criminal Court that the respondent has objected to some persons dancing in an inebriated condition in front of the deity which was followed by a wordy quarrel and some of the persons were injured in the melee that followed.

6. Before the Criminal Court some of the witnesses turned hostile, but P.W.2 deposed that there was a quarrel and some persons were injured. The Criminal Court considered the evidence of P.W.2 and held that his evidence is insufficient to substantiate the case of the prosecution against the accused persons. This resulted in the acquittal.

7. A Division Bench of this Court in *The Director of General of Police, Tamil Nadu Police Departmet vs. K.Indhukumar, made in WA (MD) Nos.938 of 2020 etc. batch dated 05.06.2023*, had held that the pendency of a criminal case should be with reference to the date of Police verification and not with reference to the date on which the application was



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made for the selection. In the case on hand admittedly the date of Police verification was on 18.05.2021, the respondent was acquitted of the charges in the criminal case even on 01.11.2019. Though it is claimed that the respondent was involved in an offence which constituted moral turpitude, we are unable to accept the said submissions.

8. The entire incident took place in a temple festival where there was a wordy quarrel between individuals and resulting in injuries to some of the victims. That by itself cannot be construed as an offence involving moral turpitude. It is not a case of suppression of pendency of a criminal case, the respondent has disclosed the pendency at the time when he applied. During the process of selection, he was acquitted of the charge. The offences are not very serious and they are only minor offences which are trivial in nature. A wordy quarrel at the time of a Village festival leading to injuries to some of the victims cannot be considered to be a very serious offence involving moral turpitude. The term Moral Turpitude has been defined as follows in Black's Law Dictionary.



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***“Moral Turpitude: 1. Conduct that is contrary to justice, honesty or morality; esp., an act that demonstrate depravity. In the area of legal ethics, offences involving moral turpitude – such as fraud or breach of trust – traditionally make a person unfit to practice law – Also termed moral depravity. “***

9. By no stretch of imagination can it be said that a wordy quarrel leading to injury to some of the victims would come within the definition of moral turpitude extracted above. We also find that there was total non-application of mind on the part of the Authority when he passed the impugned order. When this Court had directed the Authority to consider the judgment of the Criminal Court and pass orders afresh. The Authority had just thought it fit to extract the judgment of this Court and cite an earlier instance where the application of the respondent for the post of Grade II Police Constable was rejected and has chosen to reject the claim of the petitioner.

10. We find this action unacceptable. The Authority shall bear in mind that when this Court issues certain directions, those directions should be



followed in their letter and spirit. A halfhearted attempt to make it believe that the orders of this Court have been complied with will not be appreciated by this Court.

**11.** In fine, we see no merit in the Writ Appeal, the Writ Appeal fails and it is accordingly dismissed. The appellants will comply with the order of the Writ Court within a period of 8 weeks from today. There shall be no order as to costs.

**(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)**  
25.03.2025

jv

Index : No  
Neutral Citation : No  
Speaking order



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To

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O/o. The Director General of Police,  
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**R.SUBRAMANIAN, J.**  
**and**  
**G. ARUL MURUGAN, J.**

jv

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