



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.29217 of 2013

and

M.P.Nos.2 & 3 of 2013

M.Raja

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
II Floor, Anna Salai,
Chennai – 600 002.

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

3.The Superintendent of Police,
Ariyalur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the order of the 3rd respondent in Na.Ka.No.A2/14000/2012 dated 12.12.2012 and quash the same and further direct the respondents to appoint the petitioner as Police Constable Grade – II in pursuance to the selection conducted for the year 2012.



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For Petitioner : M/s.M.Jothikumar
assisted by M/s.R.Selvakkodi

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

In response to the notification issued by the respondent No.1 for filling up the post of Grade II Police Constable for the year 2012, the petitioner submitted an application and accordingly appeared for the written examination on 24.06.2012. It was thereafter, the petitioner was subjected to physical efficiency test that was held on 27.08.2012 at Tiruchirappalli. On successful completion of physical efficiency test, the petitioner was provisionally selected for the post of Grade II Police Constable subject to medical examination and Police verification. At the stage of Police verification, it was noticed that the petitioner was involved in a criminal case as accused No.2 in Crime No.306/2011 under Section 294(b), 324, 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 of Sendurai Police Station, and the same was pending as on 03.11.2012, i.e, the date of submission of application by the petitioner. However, the petitioner suppressed the factum of pendency of the said criminal case, while filling up the application form for the question Nos.29



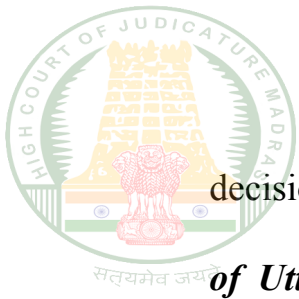
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and 29(a) and S.Nos.15, 16 & 18 of verification roll. In view of the same, the petitioner was not issued with an appointment order and his candidature was rejected by passing impugned memorandum dated 12.12.2012 in proceedings Na.Ka.No.A2/14000/2012. It is aggrieved by the said impugned memorandum, the petitioner approached this Court by filing the present writ petition.

2. A short while before passing of the impugned order, the said criminal case, which was taken on file as Calendar Case No.284 of 2012 on the file of the Court of Judicial Magistrate, Ariyalur, was ended in acquittal in the light of a compromise arrived at between the defacto complainant and the accused, including the petitioner, by an order dated 08.11.2012.

3. There is no dispute on the factual aspect. In the light of the undisputed fact situation as noted herein above, the only question that would arise for consideration before this Court is whether the respondents are justified in not appointing the petitioner and cancelling his selection to the post of Grade II Police Constable or not?

4. The law in this regard is well settled by virtue of the recent



decision of the Hon'ble Apex Court in the case of ***Ravindra Kumar Vs. State of Uttar Pradesh and others*** reported in (2024) 5 SCC 264, wherein the

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Hon'ble Apex Court, having taken note of various decisions of the Hon'ble Apex Court including the decision in the *Avatar Singh* case held as under:

“29. We have also kept in mind the recent judgment of this Court in Satish Chandra Yadav v. Union of India [Satish Chandra Yadav v. Union of India, (2023) 7 SCC 536 : (2023) 2 SCC (L&S) 43] and the broad principles set out by this Court in para 93, especially, paras 93.1, 93.3 and 93.7. Even the broad principles set out therein recognise that each case should be scrutinised thoroughly by the public employer concerned and the Court is obliged to examine whether the procedure of enquiry adopted by the authority concerned was fair and reasonable. Avtar Singh [Avtar Singh v. Union of India, (2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425] in para 38.2 has held that while passing the order of cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information. Further, in para 38.4.3 of Avtar Singh [Avtar Singh v. Union of India, (2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425] the principle that, in case of suppression or false information of involvement of criminal case, where acquittal has already been recorded, the employer can still consider all relevant facts available as to antecedents and may take appropriate decision as to the continuance of the employee.

30. We have read and understood the broad principles laid down in Satish Chandra Yadav [Satish Chandra Yadav v. Union of India, (2023) 7 SCC 536 : (2023) 2 SCC (L&S) 43] with the following crucial paragraph in Avtar Singh [Avtar Singh v. Union of India,



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(2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425] : (SCC pp. 506-507, para 35)

“35. Suppression of “material” information presupposes that what is suppressed that “matters” not every technical or trivial matter. The employer has to act on due consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.”

31. We have also examined the judgment in State of T.N. v. J. Raghunees [State of T.N. v. J. Raghunees, (2023) 16 SCC 647 : 2023 SCC OnLine SC 1379] and we find that the case of the appellant is more aligned with the facts in the judgment of this Court in Pawan Kumar [Pawan Kumar v. Union of India, (2023) 12 SCC 317] , Sandeep Kumar [Commr. of Police v. Sandeep Kumar, (2011) 4 SCC 644 : (2011) 2 SCC (Cri) 426 : (2011) 1 SCC (L&S) 734] and Ram Kumar [Ram Kumar v. State of U.P., (2011) 14 SCC 709 : (2013) 2 SCC (L&S) 773] . Hence, we find that the judgment in J. Raghunees [State of T.N. v. J. Raghunees, (2023) 16 SCC 647 : 2023 SCC OnLine SC 1379] is clearly distinguishable.

5. In the light of the above law laid down by the Hon'ble Apex Court, the case on hand needs to be examined. As seen from the decision rendered in Calendar case No.284 of 2012 dated 08.11.2012, it is evident that the dispute that gave scope for registration of criminal case against the



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petitioner herein as accused No.2 is because of certain disputes among the family members i.e., between the father of the petitioner herein and the younger paternal uncle of the petitioner herein, and the petitioner herein. Ultimately, the said criminal case ended in compromise among the family members and the petitioner was acquitted in the criminal case.

6. When the petitioner submitted his application for recruitment in question, the petitioner was aged 26 years. The impugned memorandum came to be issued by the 3rd respondent, without looking into the facts of the case and the nature of crime in which the petitioner was involved, by mechanically applying Rule 14(b) of the Tamil Nadu Special Police Subordinate Service Rules. In terms of the law laid down by the Hon'ble Apex Court as noted above in Ravindra Kumar case, the respondent No.3 is under obligation to look into the nature of crime and the circumstances in which the petitioner has suppressed his involvement in the criminal case, while submitting his application for recruitment, etc.

7. As already noted above, the petitioner herein was acquitted in



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the criminal case on 08.11.2012, that is, before passing of the impugned order. But the respondent No.3, while passing the impugned order, failed to take the said fact into consideration and issued the same in a mechanical manner. The respondent No.3, in all fairness, ought to have verified the antecedents based upon the facts available before him, especially the fact that the criminal case in which the petitioner was implicated has ended in compromise, and the same is also in between the family members. Except the said criminal case vide Calendar case No.284/2011, there is no other criminal case in which the petitioner was involved.

8. As the impugned memorandum came to be issued solely on the ground that the petitioner has suppressed his involvement in the criminal case, while submitting his application for recruitment as well as in the verification roll, in the light of the decision of the Hon'ble Apex court, the impugned memorandum cannot be sustained and accordingly, the same is hereby quashed. Consequently, the writ petition is allowed and the respondents are directed to appoint the petitioner in service to the post of Grade II Police Constable for which he was selected pursuant to his participation in the recruitment in question. However, the petitioner shall not



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be entitled for arrears of salary for the period during which he has not served in the post. At the same time, the respondents are directed to extent all notional benefits including the pay, seniority and other consequential benefits and necessary orders shall be passed in this regard within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that the respondents are at liberty to conduct Medical Examination and to undertake police verification afresh before issuing the appointment order, and then pass orders as directed above, if nothing adverse is found in the police verification, and he is found fit in Medical Examination.

9. Accordingly, the writ petition is allowed. Connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.



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