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W.P.No.17900 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.P.No.17900 of 2025
and
W.M.P.Nos.20129 & 20131 of 2025**

M.Satishkumar

... Petitioner

Vs.

The Director General of Prisons and
Correctional Services,
Whannels Road,
Egmore,
Chennai - 600 008.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Certiorarified Mandamus, to call for the records in connection with the impugned order passed by the respondent in proceedings No. Nil- dated 16.04.2025 and quash the same and further direct the respondents to appoint the petitioner as Grade - II Jail Warder within a reasonable time with all attendant benefits.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader



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ORDER

The instant writ petition has been filed challenging the order dated 16.04.2025, by and which, the petitioner was invalidated for the appointment to the post of Grade-II Police Constable.

2. The case of the petitioner is that he was acquitted from all the charges *vide* order dated 12.05.2023 in CC.No.125 of 2020. The charges leveled against the petitioner are trivial in nature and he has also disclosed the criminal case, while applying the abovesaid post. Therefore, absolutely there is no suppression of fact. Hence prayed to quash the impugned order.

3. In support of this contention, learned Counsel for the petitioner relied upon the order of the learned single Judge passed in ***W.P.No.1516 of 2022 dated 02.12.2022 (S.Nandhakumar Vs. The Director General of Police and Another)***.

4. Per *contra*, learned Additional Government Pleader who takes notice for the respondent would submit that subsequent to the said judgment relied on by the petitioner, the Hon'ble Division Bench of this Court in a batch of writ appeals in ***W.A.(MD)No.938 of 2020 etc., batch cases*** vide



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order dated **05.06.2023** enunciated the preposition, wherein, whenever candidates were acquitted upon the ground of benefit of doubt, then by virtue of Rule 6 of Tamil Nadu Prison Sub-ordinate Service Rules, they are not entitled to be appointed in the prison services. Hence prayed to dismiss the present writ petition.

5. Heard the learned Counsel for both sides and perused the materials available on record.

6. The point to be considered in the present writ petition is that whether the acquittal of the petitioner entitle him to be appointed to the post of Grade-II Police Constable in the prison service?.

7. It is the submission of the learned Additional Government Pleader that according to Rule 6 of the Tamil Nadu Prison Sub-ordinate Service Rules, if the antecedent and character of the candidate is not satisfactory, they they are entitled to invalidate a candidate from appointment.



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8. In the case on hand, the only ground for invalidating the petitioner is that a criminal case has been filed against the petitioner in CC.No.125 of 2020.

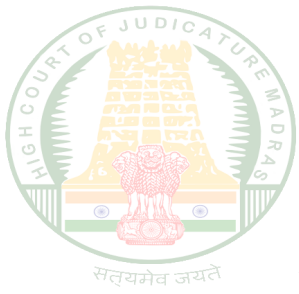
9. According to the petitioner, he was acquitted, whereas while perusing the order of the learned Judicial Magistrate No.1, Mettur, it categorically mentioned that the petitioner was acquitted by giving benefit of doubt and apart from that while looking at paragraph no.12, all the witnesses had supported the prosecution during chief examination, however, they turned hostile during cross examination. In such view of the matter, the respondent invalidated the petitioner from the appointment.

10. In this regard, the learned Additional Government Pleader relied the Judgment of the Division Bench of this Court in W.A.(MD).No.938 of 2020 etc., batch cases, wherein, in paragraph no.19, the Division Bench summarised the preposition of law as follows:

"(D).Summary of Preposition of Law:

19. In the light of the above said deliberations, the preposition of law could be summarised as follows:

(a). In case of honourable acquittal, discharge, case closed as



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mistake of fact, quashing of F.I.R./Charge Sheet before the date of police verification, the same should be considered in favour of the candidate in the current selection itself.

(b) Where the candidate has been acquitted on the ground of benefit of doubt or hostility of witnesses (before the date of police verification), that would not confer any right upon the candidate to claim appointment as a matter of right. It is for the employer to consider the suitability of the candidate based upon his conduct and antecedents only if the offences are trivial in nature.

(c) Where the criminal case has been quashed (before police verification) on the basis of a compromise and the offence is of trivial in nature, the same can be considered in favour of the candidate in the current selection itself. However, if the offence involved is not of trivial in nature, the same cannot be considered for appointment.

(d) Where a candidate having knowledge about his involvement in a criminal case had suppressed the same in his application and the said offence is not trivial in nature, he is not entitled to seek any appointment. On the other hand, in cases of trivial offences, without knowledge about his involvement or after having knowledge had suppressed his involvement, the employer in his discretion is entitled to consider the candidature by considering his character and past antecedents.

(e) Where the candidate is involved in petty/trivial cases like family dispute or dispute with neighbors or shouting of slogans or traffic offence where fine was imposed, the same can be considered to be offence of trivial/petty in nature. However, the



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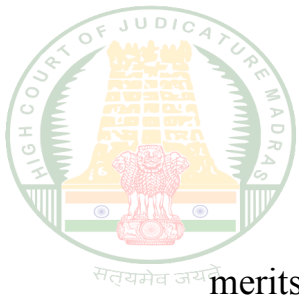


offence against women, children or under NDPS Act should never be considered to be an offence of trivial in nature.

(f) Where the candidate is involved in criminal offences under Juvenile Justice Act, he/she is to be considered in the light of the Division Bench Judgment of this Court dated 01.03.2023 in Rev.Apln.No.17 of 2023 in W.A.No.2759 of 2018 (The Superintendent of Police, Villupuram District Vs.S.Rajeshkumar).

(g) Pending the recruitment process, if a candidate is discharged from the criminal case or acquitted in the criminal case, he / she shall be eligible to be considered for the next recruitment process as per Rule 14(b) of the Tamil Nadu State Police Subordinate Service Rules."

11. According the above preposition, where the candidate has been acquitted on the ground of benefit of doubt or hostility of witnesses, the same would not confer any right upon the candidate to claim appointment as a matter of right. Therefore, when the Appointing Authority, taking into consideration of the petitioner's antecedents, invalidated the appointment, the petitioner cannot claim the same as a matter of right.



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12. In such view of the legal position, this Court do not find any merits in the present writ petition and stands dismissed, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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veda
Index:Yes
Speaking order
Neutral Citation:Yes/No

To
The Director General of Prisons and
Correctional Services,
Whannels Road,
Egmore,
Chennai - 600 008.



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C.KUMARAPPAN, J.

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