



W.P.No.35399 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35399 of 2025 and  
WMP.Nos.39624 & 39628 of 2025

G.Balamurugan

... Petitioner

Vs.

1.THE MEMBER SECRETARY,  
TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD ,  
CHENNAI 600 008

2.THE DIRECTOR GENERAL OF POLICE,  
DR. RADHAKRISHNAN SALAI,  
CHENNAI 600 004

3.THE SUPERINTENDENT OF POLICE,  
CUDDALORE DISTRICT, CUDDALORE

... Respondents

**PRAYER:**

Writ Petition is filed under Article 226 of Constitution of India

praying to issue a Writ of Certiorarified Mandamus call for the records of

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the 3rd respondent order dated 22.04.2024 vide his proceeding in C.No.

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A4/ 14450/ TSP/ 2019 and to quash the same and also direct the respondents 1 to 3 to appoint the petitioner in the post of Grade-II Police Constables, Grade-II Jail Warders and Firemen for the year 2025, Common Recruitment 2025 under the Reservation of 15 % under the Schedule Caste Category

For Petitioner : M/s.Archana Sampath

For Respondents

For R1 : Mrs.D.Sowmi Dattan,  
Standing Counsel

For R2 & 3 : Mr.P.Kumaresan,  
Additional Advocate General  
Assisted by  
Mr.V.Jeevagiridharan,  
Additional Government Pleader

## ORDER

This writ petition has been filed challenging the order dated 22.04.2024 on the file of the third respondent thereby rejecting the



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candidature of the petitioner for the post of Grade II Police Constable.

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2. The petitioner belongs to Scheduled Caste community. He is qualified with BA English Literature. The first respondent issued notification for recruitment to the post of Grade II Police Constable on 06.03.2019. The petitioner applied for the same and he was provisionally selected for the said post. When the petitioner was waiting for appointment order, the third respondent by the proceedings dated 09.03.2020 stated that the petitioner was found that his conduct was not satisfied since the petitioner has involved in a criminal case registered in crime No.139 of 2014 on the file of the Inspector of Police, Killai Police Station, Cuddalore District. It was challenged before this court in WP.No.7009 of 2020. This court, by order dated 16.08.2023, quashed the impugned order and the third respondent was directed to consider the petitioner's candidature afresh in the light of the law laid down in the batch of writ appeals in WP.MD.No.398 of 2020 dated 05.06.2023 within 3/16



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a period of six months. However the said request has once again been rejected by the order impugned in this writ petition.

3. Admittedly the petitioner was an accused in Cr.No.139 of 2014 registered for the offences punishable under sections 294(b), 352, 341, 506(i) of IPC, which culminated into trial in CC.No.400 of 2016 on the file of the Judicial Magistrate-I, Chidambaram. However it ended in acquittal on the ground that the prosecution failed to prove the case beyond any doubt by order dated 02.08.2018. The notification was issued for recruitment to the post of Grade II Police Constable on 06.03.2019. However the petitioner failed to mention the involvement in the criminal case since he was acquitted from the criminal case. On certificate verification, his candidature was rejected on the ground that his conduct and character are not satisfactory.

4. The learned Additional Advocate General appearing for the

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first respondent also relied upon Rule 14(2) in sub-rule (b)(iv) and

Explanation (1) & (2) of Tamilnadu Special Police Subordinate Rules.

Explanation (1) says that a person who is acquitted or discharged on benefit of doubt or due to the fact the complainant 'turned hostile' shall be treated as person involved in a criminal case. Further Explanation (2) says a person involved in a criminal case at the time of police verification and the case yet to be disposed of and subsequently ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in a criminal case and he can claim right for appointment only by participating in the next recruitment.

5. The Hon'ble Supreme Court of India in the case of *Avtar Singh Vs. Union of India* reported in *(2016) 8 SCC 471*, laid down the parameters regarding application of mind by the authorities in cases involving appointment to a disciplined force. The relevant portion of the judgment reads as follows:



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38. *We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize our conclusion thus:*

38.1 *Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.*

38.2 *While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information. The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.*

38.3 *In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes*



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*to knowledge of employer, any of the following recourse appropriate to the case may be adopted : -*

*38.4.1 In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.*

*38.4.2 Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.*

*38.4.3 If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.*



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*38.5 In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.*

*38.6 In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case.*

*38.7 In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.*

*38.8 If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority*



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*would take decision after considering the seriousness of the crime.*

*38.9 In case the employee is confirmed in service, holding Departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.*

*38.10 For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.*



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*38.11 Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.*

6. Thus it is clear that the persons involved in grave / serious offences involving moral turpitude should be kept out of police force even if they are acquitted or discharged from all the charges. However in the case on hand no case was registered as against the petitioner involving moral turpitude. Further in a case trivial in nature in which conviction had been such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered any incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse. Further, if acquittal had already been recorded in a case involving moral turpitude or offence of heinous / serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the



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employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee. In case employer comes to conclusion that conviction or ground of acquittal in criminal case would not affect the fitness for employment incumbent may be appointed or continued in service.

7. In the case on hand, admittedly the dispute was between private parties in which the petitioner was arrayed as second accused. All the charges are trivial in nature. Even the complainant did not support the case of the prosecution. The case of the prosecution was that the petitioner and another scolded the defacto complainant and three others with filthy languages and they attacked the defacto complainant by their hands due to wordy quarrel between them in a bus. Therefore the entire allegations are trivial in nature and it is not a case involving moral turpitude. That apart even before notification for recruitment to the post of Grade II Police Constable, the petitioner was acquitted from all the

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charges.  
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8. In view of the above, this courts finds infirmity in the impugned order and the same cannot be sustained. Accordingly, the impugned order dated 22.04.2024 is set aside. Respondents are directed to appoint the petitioner in any one of the posts of Grade-II Police Constable, Grade-II Jail Warder and Firemen for the year 2025 under reservation of 15% under the Scheduled Caste category within a period of four weeks from the date of receipt of this order. It is made clear that the petitioner shall not claim any seniority and any monetary benefits on par with his batchmates. The respondents are directed to place the petitioner at present seniority which shall be below all his batch mates in the seniority list.

9. With the above directions, this writ petition stands allowed.

Consequently, connected miscellaneous petitions are closed. There shall  
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be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order  
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To

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TAMIL NADU UNIFORMED SERVICES RECRUITMENT BOARD ,  
CHENNAI 600 008

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2.THE DIRECTOR GENERAL OF POLICE,  
DR. RADHAKRISHNAN SALAI,  
CHENNAI 600 004

3.THE SUPERINTENDENT OF POLICE,  
CUDDALORE DISTRICT, CUDDALORE

**G.K.ILANTHIRAIYAN, J.**

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