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W.A.No.1162 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

**W.A.No.1162 of 2025
and
C.M.P.No.8977 of 2025**

1.The Director General of Police.
Tamil Nadu Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

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

...

Appellants

versus

1.P.Kokila,
D/o.B.Palanisamy,
No.382-1, Erusagoundan Puttur,
Ramireddipatti, Omalur,
Salem District - 636 501.

2.The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvarayan Naicker Maligai,
No.807, 2nd Floor, Anna Salai,
Chennai - 600 002.

...

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.23718 of 2022 dated 31.07.2023.



For Appellants : Mr.T.Chandrasekaran
Special Government Pleader

For Respondents : Mr.A.R.Suresh - R-1

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JUDGMENT

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

Challenge in this appeal is to the order of the writ court quashing the order of the second appellant rejecting the candidature of the first respondent for the post of Grade-II Police Constable on the ground that there was suppression of pendency of a criminal case against her.

2. No doubt, it is proved that the First Information Report was registered against the first respondent on 27.11.2021 for the alleged offence under Section 174 of the Code of Criminal Procedure. Subsequently, the First Information Report was altered to one of abetment to commit suicide under Section 306 IPC r/w Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. However, the said First Information Report was closed as a mistake of fact on 23.04.2023.

3. The writ court had found that the very registration of the First Information Report was after the completion of the selection process.

Therefore, there is no question of suppression of material information and

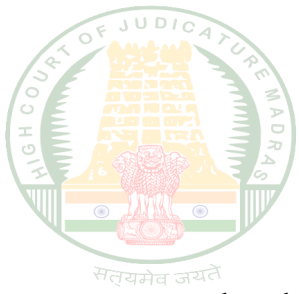


the First Information Report itself was closed as a mistake of fact.

Therefore, the writ court had rightly found that this circumstance could not be a disqualification for the first respondent and it will not affect his fitness for employment.

4. Though Mr.T.Chandrasekaran, learned Special Government Pleader appearing for the appellants would vehemently contend that the appointing authority has got the right to reject the appointment if it finds that the candidate may not be suitable due to the criminal antecedents, we are unable to agree with his submission.

5. No doubt, criminal antecedent is a matter to be considered for appointment as a Police Constable, but the facts of each case have to be looked into. In the case on hand, the husband of the sister of the respondent committed suicide. Based on the suicide note, the first respondent was implicated. Subsequently the authorities, upon investigation, found that there is no basis for the claim and the First Information Report was closed as a mistake of fact. Therefore, the only fact that the First Information Report was registered as against the first respondent cannot be a ground to deny her employment.



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6. Hence, we do not see any reason to interfere with the order of the learned single Judge. The Writ Appeal therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (G.A.M., J.)
15.04.2025

Speaking order

Index : No

Neutral Citation : No

sri

To

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