



W.A.No.234 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.06.2025

CORAM :

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

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1. The Principal Secretary
Home Department
St.George Fort
Chennai 600 009
 2. The Tamil Nadu Uniformed Services
Recruitment Board rep.by its Member Secretary
Egmore, Chennai 600 008
 3. The Director General of Police
Radhakrishnan Road, Mylapore
Chennai 600 004
 4. The Commissioner of Police
Salem City, Salem .. Appellants
- v.
- Kannadhasan
S/o Pradheepan .. Respondent

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.07.2023 passed in W.P.No.20204



of 2023.



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For Appellants :: Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.P.Anandakumar
Government Advocate

For Respondent :: Mr.M.Subash

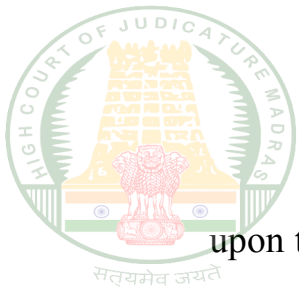
JUDGMENT

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

Challenge is to the order of the learned single Judge quashing the cancellation of appointment of the respondent as Grade II Police Constable, solely on the ground that he had not disclosed the fact that he was tried for a criminal offence and was eventually acquitted by the Court.

2. The respondent, who appeared for selection to the post of Police Constable-Grade II, was successful throughout the process of recruitment. However, his selection was cancelled on the ground that he had suppressed the fact that there was a criminal case against him.

3. Upon challenge, the writ Court allowed the writ petition relying



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upon the judgment of the Hon'ble Supreme Court in *Avtar Singh v. Union of*

India reported in (2016) 8 SCC 471, wherein the Hon'ble Supreme Court

had laid down comprehensive guidelines for dismissal or for rejection of candidature on the basis of past conduct or involvement in criminal case.

As far as non-disclosure is concerned, the Hon'ble Supreme Court in paragraph 38.3, 38.4 and 38.4.1 observed as follows:-

“38.3. The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

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



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4. Admittedly, the respondent has not disclosed his involvement in a criminal case. A perusal of the proceedings would show that the incident relating to the criminal case took place when the respondent was about 18 ½ years old. He was a student and the incident seems to have occurred in the college. It is also seen that the respondent has been acquitted of the offence by the criminal Court, though by giving a benefit of doubt.

5. Mr.P.Kumaresan, learned Additional Advocate General would vehemently contend that a discretion is vested in the authorities to consider the nature of the offence and take a decision accordingly. According to him, unless it is shown that the decision is unreasoned or so unreasonable that it ought not to have been made, the writ Court will not normally interfere with such decision.

6. The learned single Judge had held that despite the non-disclosure, the facts relating to the criminal case would show that it was not a very serious offence involving moral turpitude. It appears to have arisen out of a skirmish between two groups of students in a college, which is quite normal.



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Considering such a background, the learned single Judge had chosen to quash the orders cancelling the appointment and had issued a direction to appoint the respondent as Police Constable-Grade II.

7. We have considered the submissions of Mr.P.Kumaresan, learned Additional Advocate General appearing for the appellants. Though we find some force in the contentions of Mr.Kumaresan regarding suppression, considering the attendant circumstances, particularly the age of the respondent at the time of the incident and the fact that he has been acquitted of the charges, we feel that the respondent would be entitled to the benefit of the observations of the Hon'ble Supreme Court in paragraph 38.4.1 of the judgment in *Avtar Singh*. If the case of the respondent is to be considered in the light of the observations of the Hon'ble Supreme Court, we find that he would be entitled to indulgence, because of the fact that he was just 18 ½ years old at the time of occurrence which had happened while he was a student in a college. We, therefore, do not see any reason to interfere with the order of the learned single Judge. The writ appeal fails and it is, accordingly, dismissed. It will be open to the appellants to send the



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respondent for training along with the recruitees of 2024-25. It is also made clear that his service would be counted as per his ranking in the 2022 batch sans monetary benefits. Consequently, C.M.P.No.1654 of 2025 is also dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(R.S.M.,J.) (K.G.T.,J.)
09.06.2025

SS

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