



WEB COPY



W.P.No.40186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM

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

W.P.No.40186 of 2025

A.Senthilkumar

....

Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Home (Police) Department,
Secretariat,
Chennai-600 009.

2.The Director General of Police,
Chennai-600 014.

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

....

Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.A3/21700/2020 dated 17.02.2022 passed by the third respondent and quash the same as illegal and consequently directing the respondents to appoint the petitioner to the post of Grade-II Constable (2020 Batch) with all consequential benefits, within the stipulated time.



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For Petitioner : Mr.G.Varun Gandhi

For Respondents : Mr.R.U.Dinesh Raj Kumar

ORDER

This Writ Petition has been filed challenging the order passed dated 17.02.2022 on the file of the third respondent thereby rejected petitioner's candidature on the ground that he was involved in a criminal case and for a direction to the respondents to appoint the petitioner to the post of Grade-II Constable (2020 Batch).

2. The petitioner applied for the post of Grate II Police Constable. After successfully completing the written and physical efficiency test, the petitioner's candidature itself was rejected on the ground that the petitioner was involved in a criminal case. Subsequently, the petitioner challenged the criminal case in PRC No.1 of 2021 on the file of learned Judicial Magistrate, Sathyamangalam, before this Court in CrI OP No.2950 of 2022. This Court allowed the CrI.OP No.2950 of 2022 and quashed the criminal proceedings in PRC No.1 of 2021, on the file of the Judicial Magistrate, Sathyamangalam.



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3. According to the petitioner, even though this Court has quashed the FIR, the respondent has rejected his candidature, which is erroneous. Seeking to quash the impugned order, the present writ petition has been filed.

4. Heard both sides and perused the materials available on record.

5. Explanation (1) and (2) to Rule 13(b) & (e) of the Special Rules for TNPSS Rules read as under:

Explanation (1) : A person who is acquitted or discharged on the benefit of doubt or due to the fact that the complainant turned hostile shall be treated as a person involved in a criminal case.

Explanation (2) : A person involved in criminal case at the time of police verification and the case is 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.



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6. The case of the petitioner would fall under explanation (1). This

Court, in the order dated 01.08.2022 in CrI.O.P.No.2950 of 2022 has clearly recorded that the complainant had decided not to proceed against the accused. The complainant had submitted that due to some other reasons, the complaint had been given and she was no longer willing to proceed against the petitioner/accused. Only in those circumstances, this Court had quashed the criminal proceedings initiated against the petitioner. The criminal proceeding was quashed only because of the unwillingness of the complainant to proceed further with the complaint.

7. For the above reasons, this Court is of the view that the order passed by the third respondent is perfectly in order and no interference is called for in the same. The writ petition is therefore dismissed. There will be no order as to costs. Consequently, WMP No.45138 of 2025 is closed.

28.10.2025

Internet : Yes
Index : Yes/No
mrn



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To

- 1.The Secretary,
The State of Tamil Nadu,
Home (Police) Department,
Secretariat,
Chennai-600 009.
- 2.The Director General of Police,
Chennai-600 014.
- 3.The Superintendent of Police,
Salem District,
Salem.



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G.K.ILANTHIRAIYAN, J.

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