



W.A.(MD)No.757 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **Mr.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.757 of 2022 &
C.M.P.(MD)No.6336 of 2022

C.Ashok Kumar

... Appellant

/Vs./

1.Tamil Nadu Uniformed Services Recruitment Board,
Represented by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

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

... Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to
set aside the order dated 08.04.2022 passed by this Court in W.P.
(MD)No.6734 of 2020.

For Appellant : Mr.M.Kannan

For Respondents : Veerakathiravan,
Additional Advocate General
Assisted by Mr.D.Sadiq Raja,
Additional Government Pleader



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JUDGEMENT

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(Order of the Court was made by **Dr.ANITA SUMANTH, J.**)

The appellant is the writ petitioner who had applied for common recruitment in 2019 giving his first preference as Firemen, second preference as Grade II PC - TSP and third preference as Jail Warden.

2. He secured 71 marks and his candidature came within the zone of consideration for the uniformed services. After consideration of his application, the second respondent i.e., the Superintendent of Police, Virudhunagar District passed an order on 20.05.2020 finding him ineligible for the post for which he sought appointment.

3. Aggrieved by that order, a writ petition has been filed, which came to be dismissed on 08.04.2022, referring to and relying upon the ratio of the Judgement of the Supreme Court in *Commissioner of Police vs. Raj kumar*¹. It is as against that order, that the present writ appeal has been filed.

¹ (2021) 8 SCC 347



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4. Mr.M.Kannan, learned counsel appearing for the appellant would assail the orders passed by both R2 as well as the Court, pointing out that the crime committed by the appellant is too insignificant to have resulted in such an onerous consequence.

5. Mr.Kannan would take great pains to illustrate that the criminal charges foisted upon him relate only to a family dispute. We briefly touch upon the facts in this regard.

6. According to him, there is an on going family dispute between his cousin one Rajiv Gandhi and his wife Geetha. The parents of his cousin are no more. His parents and himself had been unfairly and unnecessarily roped in to that dispute.

7. He draws our attention to the fact that FIR in Crime No.1 of 2019, where he was A4, has been referred by the Police on 11.02.2020, attesting to the fact that the Authorities had themselves not given the same any credence. He relies on the Judgement of the Supreme Court in *Ravindra Kumar vs. State of Uttar Pradesh and others*² and order passed in CrI.O.P.(MD)No.13618 of 2020, dated 14.08.2023, where this Court has quashed the charge sheet in C.C.No.20 of 2020 on the file of the

² (2024) 5 SCC 264



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Judicial Magistrate No.I, Sattur, noting that family members should not be roped in on the basis of general and omnibus allegations, unless specific instances of their involvement in the crime has been made out.

8. Per contra, Mr.Veerakathiravan, learned Additional Advocate General for Mr.D.Sadiq Raja, learned Additional Government Pleader, defends the order of the writ Court as well as the order impugned before the writ Court, stating that both are in accordance with law.

9. He urges that the appellant / petitioner is an aspirant for a post in the uniform services, which carries with it a great deal of responsibility, and one that cannot be taken lightly.

10. The learned Additional Advocate General would specifically point out that recruiting an individual falls within the discretion of the employer, and even a whiff of moral turpitude cannot be countenanced.

11. Drawing attention to the order impugned in the writ petition, he would submit that the same is well reasoned, taking note of the fact that there is suppression of facts by the appellant leading to the rejection of his candidature.



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12. He relies on Rule 14 (b) of the Special Rules for Tamil Nadu Police Special Services (Applicable for TSP candidates) ('Special Rules'), which stipulate the qualifications for such appointments and a series of judgements as follows:

- (i) Manikandan vs. Chairman - USRB 2008 (2) CTC 97
- (ii) J.Alex Ponseelan vs. The Director General of Police 2014 (2) CTC 337
- (iii) Avtar Singh vs. Union of India 2018 (8) SCC 471
- (iv) Union Territory, Chandigarh Admin vs. Pradeep Kumar 2018 (1) SCC 797
- (v) Commissioner of Police vs. Raj Kumar 2021 (8) SCC 347
- (vi) P.S.Selva Vinoth Vs The Director General of Police W.A.(MD)No.636 of 2022
- (vii) P.Raj Kumar Vs The Director General of Police W.A.(MD)No.678 of 2022
- (viii) Satish Chandra Yadav Vs. Union of India 2023 (7) SCC 536
- (ix) State of Madhya Pradesh Va. Bhupendra Yadav 2023 SCC OnLine SC 1181
- (x) K.Ayyanar Vs. State of Tamil Nadu 2023 SCC OnLine MAD 5000 W.A.(MD) No 1053 of 2023
- (xi) Logesh Vs. The Principal Secretary, State of Tamil Nadu (order dated 09.08.2024 in W.A.(MD)No.372 of 2022)
- (xii) Karthick Vs The Director General of Police (Order dated 14.08.2024 in W.A(MD)No.1371 of 2024)



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13. Having heard both the learned counsel, and perused the material records, we concur with the views expressed by the State. The facts are more or less admitted and have been captured in the paragraphs supra.

14. The stand of the respondents to the effect that it is the discretion of the employer to have its choice of candidates is well taken, save for the caveat, that such discretion must not be seen to be exercised arbitrarily, capriciously or in a manner that is perverse. This then, is the basis by which we proceed to test the order of rejection dated 20.05.2020, that stands confirmed by the writ Court.

15. The Authorities have noted that there are two First Information Reports registered as against the appellant, one bearing Crime No.200 of 2015 and the second, Crime No.1 of 2019.

16. The application filed by the appellant is part of the record, and contains a column, calling for the details of criminal cases filed as against the candidate. The language used is '*whether any criminal case have been filed against you*' 'உம்மீது ஏதேனும் குற்ற வழக்கு பதிவு செய்யப்பட்டுள்ளதா? '.



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17. Full disclosure would require that the candidate set out the details of criminal cases instituted as against him. In the present case, there have been two such cases. However, the appellant has disclosed only the details of the FIR in Crime No.1 of 2019, and not FIR in Crime No.200 of 2015.

18. To our mind this constitutes suppression of fact / non-disclosure of a material fact, particularly in the context of Rule 14(b) of the Special Rules, that reads as under,

Extract of Rule 14 (b) TNSPSS Rules (Applicable for TSP candidates)

(b) No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority that.

....

(iv) that he has not involved in any criminal case before police verification.

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

19. Rule 14(b) and the explanation extracted above make it clear that a full disclosure is a sine qua non for consideration of candidature. Useful reference may also be made to Judgement dated 04.10.2016 of the Judicial Magistrate Court No.I Sattur, in C.C.No.11 of 7/13



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2016 where the findings are as follows:-

"அ.சா.1,2 சாட்சிகள் அரசுத் தரப்பு வழக்கிற்கு ஆதரவாக சாட்சியம் அளிக்காததால் பிறழ்சாட்சிகளாக பாவிக்கப்பட்டுள்ளார்கள். புகார் வாக்குமூலத்தில் உள்ள அ.சா.1ன் கையொப்பம் மட்டும் அ.சா.ஆ.1ஆகவும், புகார் வாக்குமூலத்தில் அறிவேன் சாட்சியாக கையொப்பமிட்ட அ.சா.2ன் கையொப்பம் மட்டும் அ.சா.ஆ.2 ஆகவும் குறியீடு செய்யப்பட்டுள்ளது."

20. Hence, the earlier FIR i.e., Crime No.200 of 2015 had been closed based on the witnesses turning hostile, and granting the benefit of doubt to the appellant and having reference to the Explanation to Rule 14(b), that states that a person who is acquitted for discharged on benefit of doubt or due to the fact that the complainant turned hostile shall be treated as a person involved in a criminal case, the appellant has not been exonerated or granted a clean chit in the trial Court.

21. We are hence of the view that the candidature of the appellant has been rightly rejected.

22. We draw support from the judgement of the Supreme Court in the case of *Raj Kumar*³ that finds reference in the impugned order. The Supreme Court in *Sathish Chandra Yadav vs. Union of India*, 2023 (7) SCC 536 has set out a comprehensive set of guidelines setting out the

³ Foot Note 1 supra



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march of the law post the Judgement in *Avtar Singh vs. Union of India*⁴.

23. The Court has considered the impact of non-disclosure / suppression of fact by a candidate, going to the extent of stating that even in a case where a full declaration had been made by a candidate, the employer still has the right to consider the aspect of antecedents and cannot be compelled to appoint a candidate who had criminal antecedents. The relevant portion of that judgement is extracted below:-

92. The only reason to refer to and look into the various decisions rendered by this Court as above over a period of time is that the principles of law laid therein governing the subject are bit inconsistent. Even after the larger Bench decision in Avtar Singh different courts have enunciated different principles.

93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:

.....
93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

⁴ 2018 (8) SCC 471



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93.3. *The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false Information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.*

93.4. *The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.*

24. In a subsequent Judgement in the case of *State of Madhya Pradesh vs. Bhupendra Yadav*⁵ as well, the Supreme Court echoes this proposition and we extract below the relevant portion:-

25. *We are, therefore, of the opinion that mere acquittal of the respondent in the criminal cases would not automatically entitle him to being declared fit for appointment to the subject post. The appellant-State Government has judiciously exercised its discretion after taking note of all the relevant factors relating to the antecedents of the respondent. In such a case, even one criminal case faced by the respondent in which he was ultimately acquitted, apparently on the basis of being extended benefit of doubt, can make him unsuitable for appointment to the post of a Constable. The said decision taken by the appellant-State Government is not tainted by any malafides or arbitrariness for the High Court to have interfered therewith. As a result, the judgment dated 17th November, 2017, passed by the learned Single Judge is upheld while quashing and setting aside the Impugned*

⁵ 2023 SCC OnLine SC 1181



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judgment dated 24th January, 2018, passed by the Division Bench of the High Court. The appeal is allowed. Parties are left to bear their own costs.

25. The appellant relies upon the judgement in *Ravindra Kumar*⁶. In that case, there was no criminal case pending as against the candidate on 12.02.2024 when he submitted his application. It was 5 days after submission of the application, that he came to be embroiled in a criminal case, that, pending consideration of his application, resulted in acquittal by the trial Court on 13.09.2004. Hence, the non-disclosure of that case in the form was held not to be fatal to that candidate. The Court in accepting the case of that candidate, was also persuaded by the Character Certificate given by the Station House Officer.

26. In light of the discussion aforesaid, we are of the view that there is no merit in the appeal and we confirm the order of the second respondent, dated 20.05.2020 and the order passed by the writ Court on 08.04.2022.

⁶ Foot Note 2 supra



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27. This writ appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
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NCC :Yes/No
Index :Yes/No
Internet :Yes

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To

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

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



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Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
W.A.(MD)No.757 of 2022

Dated:
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