



W.A(MD) No.1078 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 03.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD) No.1078 of 2022

G.Gopi Mathavan

... Appellant / Appellant

Vs

1. Officer of the Inspector General / North Sector,
Central Industrial Security Force,
(Ministry of Home Affairs),
CISF Campus, Saket,
Post Malviya Nagar,
New Delhi-110 017.

2. Office of the Group Commandant,
Central Industrial Security Force,
(Ministry of Home Affairs),
Kendriya Sadan, 4th Floor,
Sector-9A,
Chandigarh-160 009.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by the learned Judge in W.P. (MD)No.20565 of 2021, dated 21.04.2022.



W.A(MD) No.1078 of 2022

For Appellants : Mr.T.Lenin Kumar

For Respondent : Mr.K.R.Laxman

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. This writ appeal is directed against the order dated 21.04.2022 made in W.P.(MD)No.20565 of 2021 filed by the appellant herein. The appellant herein participated in the recruitment process conducted by the respondents for the post of constable in Central Industrial Security Force during March 2013. He passed all the requisite tests and was also selected. He was appointed on 17.06.2015. It turned out during verification process that the appellant had suppressed his involvement in a criminal case. On this ground, he was discharged from service at the stage of probation itself. Challenging the order passed by the authority, the appellant filed W.P.(MD)No.20565 of 2021. The writ petition was dismissed vide order dated 21.04.2022 in the following terms:-

“3. The petitioner states that while filing the application form for joining the post of CISF, there was a specific query as to whether the applicant had any criminal antecedents for which the applicant had marked 'nil'. The petitioner himself states that he did



W.A(MD) No.1078 of 2022

not disclose with bonafide impression that the case ended up acquittal two years back of his selection and the misconduct was not intentionally. However, by citing the said fact, the order of termination was issued mainly on the ground that the petitioner suppressed the fact.

4. The petitioner himself admitted in his affidavit stating that he has not stated the fact regarding the registration of criminal case against him in the application form.

5. The learned Additional Solicitor General of India relying on the counter filed by the respondents made a submission that the individual has been charge sheeted in Crime No.825 of 2010 under Sections 302, 147 and 148 of IPC. Though the petitioner was acquitted from the criminal charges, he has suppressed the fact regarding the registration of criminal case in his application. This apart, the antecedent was not stated by the petitioner. On verification, the Authorities found that the name of the petitioner is in the rowdy list.

6. This being the factum, the Authorities have invoked the provisions of Sub-Rule (2) of Rule 25 and Sub-Rule (4) of Rule 26 of CISF Rules, 2001 and terminated the services of the petitioner during the period of probation. The appeal filed by the petitioner was also rejected on the ground of suppression of fact at the time of submission of application during selection process. Subsequently, the Authorities verified that the name of the petitioner is in the rowdy list of Tamil Nadu State Police.

7. This being the facts and circumstances, this Court does not find any acceptable reason for the purpose of interfering with the order of termination. More so, the order of termination was issued during



W.A(MD) No.1078 of 2022

the period of probation and the Authorities found that character and antecedent of the petitioner was not satisfactory. Thus, there is no infirmity as such in respect of the order of the Original Authority as well as the order passed by the Appellate Authority.”

3. Even though the learned counsel appearing for the appellant made a valiant attempt to persuade us to interfere with the order impugned in the writ appeal, we are not inclined to do. The case in which the appellant was involved was a murder case. The appellant did not secure acquittal on merits or even honourably. The prosecution witnesses turned hostile and that alone let his acquittal. More than anything else, the petitioner withheld his information while filling up the application form at the time of recruitment. The learned single Judge adopted the right approach while dismissing the writ petition. Interference is not warranted.

5. The writ appeal is dismissed. No costs.

(G.R.S., J.) (S.S.Y., J.)
03.01.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi



WEB COPY



W.A(MD) No.1078 of 2022

G.R.SWAMINATHAN, J.
AND
S.SRIMATHY, J.

rmi

W.A.(MD) No.1078 of 2022

03.01.2025