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W.A.(MD)NO.1786 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1786 of 2023 AND

C.M.P.(MD)No.13638 of 2023

The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road,
VOC Nagar, Park Town,
Chennai – 600 003.

... Appellant / Respondent

Vs.

M.Kannan

... Respondent / Writ petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.(MD)No.6389 of 2019 dated 02.02.2023 and allow the present writ appeal.

For Appellant : Mr.V.Panneer Selvam
For Respondents : Mr.Aayiram K.Selvakumar

* * *

J U D G M E N T

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

Heard both sides.



2. Mr.M.Kannan took part in the recruitment process for the post of Junior Assistant, Group IV services conducted by TNPSC in the year 2016. He was selected for the post of Junior Assistant. But the appointment order was not issued. He was disqualified on the ground that he was involved in a criminal case and that he suppressed the same. Challenging the stand of TNPSC, Kannan filed W.P.(MD)No.6389 of 2019. The learned single Judge partly allowed the writ petition in the following terms:-

“ 5. It is an admitted fact that the petitioner was acquitted in the criminal case as early as 2014 itself and the petitioner participated for the selection process for the year 2016 and submitted online application in the year 2016. The petitioner has entered “No” in the column stated whether any criminal case has been registered, which is incorrect. But the petitioner has disclosed the registration of criminal case as well as the acquittal at the time of Certificate Verification. This fact is accepted by the respondent as well. Therefore, the intention of the petitioner is not to conceal, otherwise if the petitioner is intended to conceal, then he would not have revealed the same at the time of



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Certificate Verification as well. Moreover, the allegation against the petitioner and his entire family is that they picked up fight with the neighbour regarding drawing water from public water pipe line and such a fight is common in India and this allegation is nothing to do with the security to the nation. Since the petitioner has disclosed at the time of certification verification, the petitioner case ought to be considered sympathetically. Moreover, the petitioner was debarred from participating in any recruitment process for next one year and the petitioner has undergone the said punishment and lost his opportunity from the year 2019 till today to seek appointment in the Government service. These factors shall be considered as a punishment to the petitioner.

6. Therefore, the impugned order is quashed to the extent of cancellation of the petitioner's candidature. The respondent is directed to accept the candidature of the petitioner and submit the selected list to the appropriate appointing authority and the appointing authority shall issue appointment order. The respondent is directed to complete the



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said exercise within a period of four (4) weeks from the date of receipt of a copy of this order.”

Challenging the same, TNPSC filed this writ appeal.

3. The learned counsel for TNPSC is right in his contention that the candidate gave a wrong answer to the question as to whether he was involved in a criminal case. It is also not in dispute that in the instructions given to the candidate, it has been declared that giving wrong or false answers would lead to disqualification and rejection of application. But then, in such matters, a mechanical approach cannot be adopted by TNPSC. The Hon'ble Supreme Court in the decisions reported in **(2023) 14 SCC 719 (State of W.B. V. Mitul Kumar Jana)** and **(2024) 5 SCC 264 (Ravindra Kumar V. State of Uttar Pradesh)** held that broad-brushing every non-disclosure as a disqualification will be unjust and the same will tantamount to being completely oblivious to the ground realities. It was further clarified that each case will depend on the facts and circumstances that prevail thereon and the Court will have to take a holistic view. In the case on hand, the petitioner belongs to BC category. He appears to be a first graduate. He studied in Tamil medium. More than anything



else, the criminal case in which he involved was rather petty in nature. The occurrence had taken place in the year 2012. He was acquitted in the year 2014. More than anything else, it was the candidate who voluntarily disclosed these facts at the time of certificate verification. It is not as if the authorities discovered these facts. The learned single Judge had taken the view that the disqualification would be unjust and granted relief.

4. We are of the view that interference with the order of the learned Single Judge would be inequitable and it is not warranted. It is made clear that the writ petitioner will be entitled to only notional benefits including continuity in service and pay fixation on a par with other similarly situated persons and he would not be entitled for salary and back wages till the date of his appointment. This writ appeal is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
19th June 2025

NCC : Yes / No
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