



W.A.(MD)No.1275 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1275 of 2024
and
C.M.P.(MD)No.9816 of 2024**

- 1.The Senior Commandant,
CISF, GP Head Quarters,
Hyderabad.
- 2.The Commandant,
CISF, RTC,
Bhilai.
- 3.The Inspector General/TS,
CISF, TS Head Quarters, NISA,
Hyderabad - 500 078.
- 4.The DIG/Principal,
CISF, RTC, Bhilai,
Post-Uttai,
Dist-Durg,
Chandigarh - 491 107.

... Appellants

Vs.

A.Karthick

... Respondent



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.1134 of 2019 dated 01.02.2023 on the file of this Court.

For Appellants : Mr.K.Govindarajan,
Deputy Solicitor General of India,
Assisted by Mr.S.Pon Senthil Kumaran,
Central Govt. Standing Counsel.

For Respondent : Mr.V.Panneer Selvam

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner was an aspirant for the post of Constable / Driver in CISF. He made the application on 16.07.2014. Subsequently, he was implicated in two criminal cases ie., Crime No.608 of 2014 and Crime No.150 of 2015. When medical examination was held on 23.04.2015, while filling up the questionnaire form, the writ petitioner answered in the negative by suppressing his involvement in the criminal cases. He was however selected and appointment order was issued on 13.11.2015. The writ petitioner was called to submit his character

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certificate. It was at that stage, the writ petitioner disclosed his involvement in the criminal cases. Thereupon, the Commandant, CISF, GP Head Quarters, Hyderabad passed order 18.12.2018 cancelling the order of appointment earlier issued. It was put to challenge in W.P.(MD)No.1134 of 2019. The learned Single Judge vide order dated 01.02.2023 allowed the writ petition in the following terms:-

“5.It is an admitted fact that the notification was issued in July 2014 and the petitioner has submitted application on 16.07.2014 and the first FIR was filed on 02.12.2014 and second FIR was filed on 26.03.2015. From this, it would be evident that at the time of filing the application, there is no FIR and hence there is no suppression of fact. Therefore, this Court is of the considered opinion that there is no suppression at the time of application.

6.However, when the petitioner was subjected to Medical Examination on 23.04.2015, the petitioner was having the knowledge of two criminal cases against him. The petitioner had an opportunity to disclose the same at the time of Medical Examination. However, the petitioner had chosen not to disclose. Subsequently, when the character antecedent certificate was sought by the authorities, the petitioner has disclosed the same before the authorities. The authorities have directed the



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petitioner to close the criminal cases and report the same before the authorities. Taking the advice of the authorities, the petitioner has taken earnest effort to approach the Criminal Court as well the High Court to quash / close the criminal case. A relevant observation by this Court is saving the petitioner. This Court while granting interim order for the second FIR, had observed that the sister of the petitioner in order to spoil the petitioner's appointment as CSIF has instigated the criminal case. Since the petitioner's father, mother and one brother has died, the petitioner was in distress. The petitioner had felt he was responsible for the sister future and as a brother was taking steps to get her married. But the petitioner's sister has not taken the advice of the petitioner, which has resulted in tussle between the petitioner and his sister. Therefore, in such circumstances, the petitioner cannot be found fault.

7. Moreover, the Government of India, Ministry of Home Affairs has issued the guidelines dated 01.02.2012, wherein it has been stated that minor offence is not a bar for appointment in the Government service. In the list of minor offences, under Serial No.2 it is stated that imposition of fine in criminal case is not a bar for consideration for appointment and the relevant portion is extracted hereunder:

“Subject: Policy Guidelines for considering cases of candidates for appointment in CAPFs-pendency of criminal cases against candidates-the effect of:

2. Any offences as defined under the IPC or any other



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act of Central Government or State Government which is punishable only with fine without any imprisonment.”

8.In the present case, the petitioner was imposed with a fine of Rs.1000/- and one day Court imprisonment. Since this is a minor punishment, this Court following the said guidelines is of the considered opinion that the petitioner has right to be considered for appointment.

9.The similar issue was considered by this Court in W.P.(MD).No.15176 of 2018 dated 15.03.2022 and has allowed the said Writ Petition following the said guidelines. Moreover, the dispute is between the petitioner and his sister. The petitioner has not committed any serious offences against the Society or the Nation. Moreover, it is at the instigation of the petitioner's sister in order to spoil the petitioner's employment in CSIF, the petitioner was forced to face the criminal charges. The petitioner relied on judgment passed in W.A.(MD)No.753 of 2015 dated 06.09.2017, wherein, this Court has held as follows:

“5. In the case on hand, the writ petitioner was admittedly involved in a trivial case. Furthermore, on a perusal of the records we find that he has not ticked the column as yes with respect to involvement of criminal case and the First Information Report. As rightly submitted by the learned counsel for the writ petitioner, it is not a case of willful suppression. It has come out of ignorance, otherwise he would have tick the column as yes, which raised question as to whether the applicant is convicted or not, apart from pendency of the criminal case. One more thing has to be seen that the complainant in the criminal case has



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become his wife. The conviction is only with respect to payment of Rs.500/-. Even on the date of filing of the charge sheet, the conviction was rendered on payment. The writ petitioner did not want to go through the Trial without knowing the implication that may arise in future. The affidavit filed by the writ petitioner would show that he is in penury having married the lady who given the complaint. After giving the complaint, not only the writ petitioner, even the complainant is suffering with two minor children”.

10. Therefore, following the Division Bench order, this Court is of the considered opinion that the petitioner cannot suffer for the trivial fight between the petitioner and his sister. The petitioner sister with evil intention spoiled the petitioner's opportunity to serve in CSIF. Therefore, this Court is inclined to quash the impugned order and the impugned order is quashed. The respondents are directed to issue appointment order and allow the petitioner to join the service within a period of two (2) weeks from the date of receipt of a copy of this order. The petitioner is entitled to all the benefits from the date of joining the service.

11. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.”

Aggrieved by the same, the department has filed this writ appeal.

3. The learned Deputy Solicitor General of India for the appellants drew our attention to the relevant provision in the policy guidelines. He



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submitted that suppression on a part of a candidate who wants to join uniformed force has to be viewed very seriously. He relied on the decisions reported in **2024 INSC 550 (Union of India Vs. Shishu Pal @ Shiv Pal)**. He further added that the selection was made in the year 2014 – 2015 and that more than decade had elapsed. The writ petitioner's appointment was cancelled before he could formally join service. He, therefore, submitted that in view of efflux of time, this Court ought to interfere with the order passed by the learned Single Judge.

4.Per contra, the learned counsel for the writ petitioner submitted that the order passed by learned Single Judge does not call for interference.

5.We carefully considered the rival contentions and went through the materials on records. The writ petitioner's parents had passed away. His sister / Nithiya left the home on her own accord and married a person of her own choice. The relationship between the writ petitioner and her sister was under strain. It is the sister who was the defacto complainant in both the criminal cases ie., Crime No.608 of 2014 and Crime No.150 of 2015. When the writ petitioner filed Crl.O.P.(MD)No.7246 of 2016, a



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learned Judge of this Court observed in his interim order that it appears to be a false case.

6.The second case was closed as mistake of act. The first case ie., Crime No.608 of 2014 was charge sheeted and the writ petitioner pleaded guilty. The writ petitioner had come out with an explanation. When he approached the jurisdictional police, he was advised to plead guilty and the writ petitioner was misled by such an advice. The explanation given by the writ petitioner appears to be highly probable. This is seen from the fact that the final report filed in Crime No.608 of 2014 was taken on file only on 09.09.2017 and the case itself concluded on 13.10.2017.

7.The writ petitioner hails from a rural background and he appears to be a first graduate in his family. It is seen that both the parents passed away already and he and his sisters were orphans. In these circumstances, we cannot turn a blind eye to the ground realities. The Hon'ble Supreme Court in the decision report in **(2024) 5 SCC 264 (Ravindra Kumar Vs. State of Uttar Pradesh)** had held that broad-brushing every non-disclosure as a disqualification will be unjust and the



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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 decision reported in **2023 INSC 754 (State of West Bengal v. Mitul Kumar Jana)**, the very same approach was adopted. Applying the same approach, we are of the view that the petitioner had answered in the negative because he was afraid that he may be deprived of employment if he answered in the affirmative. In the facts and circumstances of the case, we are of the view that the failure to disclose his implication in the criminal case need not be viewed as suppression warranting disqualification. In the case on hand, the learned Single Judge had granted relief taking into account the peculiar facts and circumstances. Exercising our jurisdiction under Clause XV of Letters Patent, we do not interfere with such an equitable and discretionary order. The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
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and
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