



**W.A(MD) No.826 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Reserved On : 28.11.2024**

**Pronounced On : 28.03.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

**W.A(MD) No.826 of 2022**

**S.Suresh**

**... Appellant / Petitioner**

**Vs.**

**1.The Director General of Police,  
Chennai.**

**2.Tamil Nadu Uniformed Services Recruitment Board,  
Rep. by its Member Secretary,  
Old Commissioner of Police Office Campus,  
Pantheon Road,  
Chennai.**

**3.The Superintendent of Police,  
Dindigul District.**

**... Respondents / Respondents**



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**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.17190 of 2021, dated 24.03.2022 by allowing the writ appeal.

For Appellant : Mr.H.Arumugam

For Respondents : Mr.Veera Kathiravan

Additional Advocate General

for Mr.S.Saji Bino

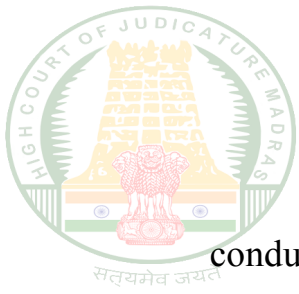
Special Government Pleader for R1 to R3

### **JUDGMENT**

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

Heard both sides.

2. The appellant herein participated in the combined recruitment for the post of Grade-II Police Constables, Grade-II Jail Warders and Firemen for the year 2019. The application was submitted on 02.04.2019. He appeared in the written examination on 25.08.2019 and succeeded. He was successful in the physical test and endurance test held from 06.11.2019 to 09.11.2019. Thereafter, the police verification was



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conducted. The Superintendent of Police, Dindigul however disqualified the petitioner for appointment vide order dated 16.09.2021 on the ground that the appellant had suppressed his involvement in the criminal case when he submitted the application for recruitment to the post of Grade-II Police Constable. Challenging the said order, the appellant filed W.P. (MD)No.17190 of 2021. The writ petition was dismissed vide order dated 24.03.2022. Challenging the same, this appeal has been filed.

3. The learned counsel appearing for the appellant reiterated all the contentions set out in the memorandum of grounds of appeal and called upon this Court to set aside the impugned orders and grant relief.

4. Per contra, the learned Additional Advocate General submitted that the issue raised in these proceedings is no longer *res integra*. He pointed out that admittedly, the appellant was involved in a criminal case. It is true that it was subsequently quashed. But then, quashing was based on the compromise between the parties. The appellant did not secure honourable acquittal. The appellant seeks appointment in an Uniformed Force. Therefore, the employer is entitled to insist that only



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those persons whose record is totally clean alone would be eligible to become a member of the service. Relying on a catena of decisions, he submitted that the learned single Judge rightly declined to interfere in the matter. He called upon this Court to sustain the impugned orders and dismiss the writ appeal.

5. We carefully considered the rival contentions and went through the materials on record.

6. It is true that the appellant was shown as the first accused in Crime No.206 of 2019 on the file of the Sanarpatty Police Station. The appellant's father and mother were shown as co-accused. The defacto complainant was none other than his paternal uncle. A reading of the FIR would show that there was some dispute regarding ancestral property. The appellant is said to have slapped and pushed down the defacto complainant. According to the appellant, it was a false case and that he was not at all involved. Be that as it may, FIR was lodged only on 19.05.2019 and the occurrence said to have taken place on 18.05.2019. Admittedly, the application was submitted by the appellant



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on 02.04.2019 itself. Thus, on the date when the application was submitted, there was no criminal case against the petitioner. The third respondent was therefore wrong in proceeding on the premise that the appellant was guilty of suppression of the material facts. It is seen that even before police verification, the FIR was quashed on 10.09.2019 itself. All these facts were informed during police verification also. We are therefore satisfied that the appellant cannot be held guilty of suppression of the material facts. On the other hand, the order the third respondent suffers from non-application of mind.

7. The next question that calls for consideration is whether the appellant should be disqualified because he was shown as the first accused in Crime No.206 of 2019. Even though there are quite a few precedents that are adverse to the appellant, the recent decision of the Hon'ble Supreme Court appears to favour the appellant. The Hon'ble Supreme Court in the decision reported in **(2024) 5 SCC 264 (Ravindra Kumar Vs. State of U.P)** held as follows:

“32. The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgment of acquittal; the nature of the query in the



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application/verification form; the contents of the character verification reports; the socio-economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of the cancellation/termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered”.

8.In this case also, the appellant comes from a very similar background. He belongs to a Most Backward Community. He is said to be the first graduate in the family. He has no bad antecedents. The defacto complainant was none other than his paternal uncle. The allegations set out in the FIR are also not serious. The fact that the appellant's mother and father have been shown as co-accused would show that it was more a family dispute over ancestral property. Considering the trivial and petty nature of the offence registered against the appellant, we are of the view that the aforesaid decision can very well be applied and relief granted to him.



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9. In this view of the matter, the order impugned in the writ petition as well as the order impugned in the writ appeal are set aside.

The respondents are directed to appoint the appellant as Grade-II Police Constable and he shall be sent for training at the earliest opportunity.

The appellant will be entitled to get the benefits only from the date when he reports for duty. He cannot have any claim for backwages. In all other respects, he will be placed on par with his batchmates.

10. The writ appeal is allowed accordingly. No costs.

**(G.R.S., J.) (P.V.M.,J.)**  
**28.03.2025**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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To

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2.Tamil Nadu Uniformed Services Recruitment Board,  
Rep. by its Member Secretary,  
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