



W.A(MD) No.2204 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 08.08.2025

Pronounced On : 13.08.2025

CORAM

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

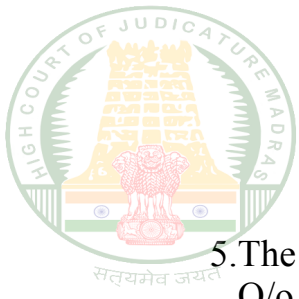
**W.A(MD) No.2204 of 2025
and
C.M.P.(MD)No.12556 of 2025**

P.Pandiarajan

... Appellant / Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Chennai-600009.
- 2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-600008.
- 3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-600008.
- 4.The Director General of Police,
O/o the Director General of Police,
Tamil Nadu, Chennai-600004.



W.A(MD) No.2204 of 2025

5.The Superintendent of Police,
O/o the Superintendent of Police,
Dindigul.

6.K.Rajasekar

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the writ appeal by setting aside the order passed in W.P.(MD)No.6992 of 2020, dated 22.03.2022.

For Appellants : Mr.G.Thalaimutharasu

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R1 to R3

: Mr.T.Senthilkumar
Additional Public Prosecutor
for R4 & R5

ORDER

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant herein belongs to a Scheduled Caste. He applied for the post of Grade-II Police Constable / Jail Warden / Fireman in response to the recruitment notification dated 06.03.2019 issued by the Tamil Nadu Uniformed Services Recruitment Board inviting applications from the eligible candidates. The appellant qualified in the written



W.A(MD) No.2204 of 2025

WEB COPY examination held on 25.08.2019. He was also successful in the physical test and the endurance test. He was provisionally selected. The appellant had secured 71 marks. However, vide memorandum dated 05.05.2020, he was declared as disqualified by invoking Rule 14(b) of Tamil Nadu Special Police Subordinate Service Rules. Challenging the same, the appellant filed W.P.(MD)No.6992 of 2020. The writ petition was dismissed by the learned Single Judge vide order dated 22.03.2022. Aggrieved by the same, this writ appeal has been filed.

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

4.Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the appellant had suppressed his involvement in Crime No.173 of 2014 registered on the file of the Batalagundu Police Station. The case was charge sheeted and taken on file in C.C.No.145 of 2015 on the file of the Judicial Magistrate, Nilakottai. The appellant figured as the third accused in that case. The



W.A(MD) No.2204 of 2025

recruitment process took place in 2019. Even though the appellant had full knowledge about his implication in that criminal case, he deliberately suppressed the same. The learned Additional Government Pleader also pointed out that citing the aforesaid Rule, hundreds of persons had been disqualified and that therefore, interference with the order of the learned Single Judge is not warranted.

5. We carefully considered the rival contentions and went through the materials on record. The appellant was the third accused in C.C No. 145 of 2015 on the file of the Judicial Magistrate, Nilakottai. The case ended in acquittal. The copy of the judgment of acquittal dated 01.07.2016 has been enclosed in the typed set of papers. The prosecution witnesses in the said case turned hostile. It is true that the appellant failed to disclose his involvement in the said case. The moot question that calls for consideration is whether on this ground the appellant should be treated as disqualified. The Hon'ble Supreme Court had held in many cases that suppression of material fact can be a sole ground to disqualify a candidate who aspires to join any uniformed force. But there has been a march of law in the service law jurisprudence in this regard.



W.A(MD) No.2204 of 2025

6. In the recent times, the Hon'ble Supreme Court has taken a more pragmatic view. In the decision reported in **(2024) 5 SCC 264 (Ravindra Kumar Vs. State of UP)**, it was 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. In this case, all the earlier precedents were considered. The Hon'ble Supreme Court enumerated some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered. They are as follows:

“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 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..”

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. A similar view had been taken by the Hon'ble Supreme Court in **State of W.B. v. Mitul Kumar Jana, (2023) 14 SCC 719**. The Hon'ble Supreme Court directed the State to consider the case of the



W.A(MD) No.2204 of 2025

respondent therein and issue an order of appointment to the post of constable in West Bengal Police Force on the ground that the respondent was not involved in heinous/serious offence or any offence involving moral turpitude, and due to the fact that in the said criminal case he has been honourably acquitted.

7.Coming to the case on hand, though as many as 5 prosecution witnesses were examined, not a single prosecution witness deposed against the appellant. The appellant hails from a rural background. He belongs to a Scheduled Caste. The offence in question is not a serious one. In these circumstances, a realistic approach may have to be adopted. The Hon'ble Supreme Court in ***Ravindra Kumar*** acknowledged that the candidate would have a deep dilemma as there was an imminent prospect of losing his employment. As Justice Navin Sinha made an observation in ***Mohd.Imran vs State of Maharashtra (2019) 17 SCC 696***, to make past conduct, irrespective of all considerations, an albatross around the neck of the appellant who appears to be a meritorious candidate belonging to the the bottom most rung of the society, will not constitute justice.



W.A(MD) No.2204 of 2025

WEB COPY

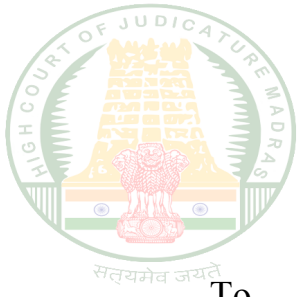
8.In this view of the matter, the order impugned in the writ petition as well as the order impugned in this writ appeal are set aside. The respondents are directed to appoint the appellant in an appropriate post (Grade-II Police Constable / Jail Warden / Fireman) within a period of eight weeks from the date of receipt of copy of this order. The appellant's seniority will count only from the date when he reports for duty. He cannot make any claim for past service benefits.

9.The writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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

13.08.2025

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



W.A(MD) No.2204 of 2025

To
WEB COPY

1. The Principal Secretary,
Home Department,
Secretariat,
Chennai-600009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore,
Chennai-600008.
3. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-600008.
4. The Director General of Police,
O/o the Director General of Police,
Tamil Nadu,
Chennai-600004.
5. The Superintendent of Police,
O/o the Superintendent of Police,
Dindigul.



WEB COPY



W.A(MD) No.2204 of 2025

G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

rmi/SKM

W.A(MD) No.2204 of 2025

13.08.2025