



W.P.(MD)No.22856 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.22856 of 2022

A.Suresh

: Petitioner

Vs.

1.The Director General of Police,
State Head Quarters Office,
Chennai – 4.

2.The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order vide proceeding in C.No.Estt.II(1)/12275/2022 dated 14.10.2022 passed by the third respondent and quash the same as illegal, improper and total non-application of mind and consequently direct the respondents to select and issue necessary orders of appointment to the petitioner for the post of Grade – II Police Constable for the selection of the year 2017 in the light of the judgments of this Court in W.P.(MD)No. 20068 of 2017 dated 11.01.2018 order in W.P.(MD)No.12405 of 2018 dated 10.05.2019 and the order of the Division Bench of this Court in W.A.(MD)No.640 of 2022 dated 30.06.2022.

[Prayer amended vide court order dated 30.11.2022 in W.M.P. (MD)No.20466 of 2022 in W.P.(MD)No.22856 of 2022]

For Petitioner : Mr.R.Murugan

For Respondents : Mr.Veerakathiravan,
Additional Advocate General
Mr.A.Baskaran
Additional Government Pleader



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ORDER

This Writ Petition has been filed challenging the impugned order dated 14.10.2022 passed by the third respondent rejecting the petitioner's request to issue appointment orders for the post of Grade-II Police Constable, pursuant to his provisional selection to the said post on the ground that the petitioner had suppressed his involvement in a criminal case.

2.The petitioner has challenged the impugned order on the ground that at the time of police verification, he was not involved in any criminal case and therefore, according to him there was no suppression of material fact. He has also stated that the criminal case was a false case and he has also been acquitted by the criminal court. Therefore, according to him, arbitrarily and illegally he has been deprived of being appointed to the post of Grade-II Police Constable pursuant to his provisional selection.

3.A counter has been filed by the respondents denying the contentions of the petitioner. They reiterated that the petitioner had suppressed his involvement in a criminal case and therefore, they state that the petitioner is not entitled to be appointed to the post of



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Grade-II Police Constable. They also contend that only as per the Rules, the petitioner has not been appointed to the post of Grade-II Police Constable. It is their case that since the petitioner was acquitted by the criminal court only by giving benefit of doubt and it was not an honorary acquittal, the petitioner was not eligible to be appointed for the post of Grade II- Police Constable.

4. Learned Counsel for the petitioner drew the attention of this Court to the criminal Court judgment dated 06.12.2021 in the case involving the petitioner and would submit that as seen from the same, only pursuant to the examination of witnesses by the prosecution and after considering their deposition, the petitioner was acquitted. Therefore, learned Counsel for the petitioner would submit that since the petitioner has been acquitted of the criminal case, he is entitled to be appointed to the post of Grade – II Police Constable. He would also submit that it is an admitted fact that at the time of police verification, the petitioner was not involved in any criminal case. Therefore, he would submit that there was no suppression of material fact by the petitioner. According to him, by total non-application of mind, the impugned order came to be passed, despite the fact that there was no suppression of material fact by the petitioner.



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5. Learned Counsel for the petitioner would also submit that the Service Rules of the respondents makes it clear that if the candidate was not involved in any criminal case, at the time of police verification, he cannot be deprived of being appointed to the post of Grade-II Police Constable as per the recruitment process. He would submit that explanations 1 & 2 to Rule 13 of the Special Rules for TNPSS, makes it clear that the petitioner ought to have been appointed to the post of Grade – II Police Constable, since at the time of police verification, he was not involved in any criminal case.

6. On the other hand, learned Additional Advocate General appearing for the respondents would submit as follows:

a) The criminal court which has acquitted the petitioner had acquitted the petitioner only by giving benefit of doubt to him. He drew the attention of this Court to the relevant portion in the criminal court judgment and would submit that the criminal court has clearly given a finding that the petitioner has been acquitted only by giving benefit of doubt.

b) He also drew the attention of this Court to the Service Rules, more particularly to Rule 13 and would submit that as seen from the said Rule, the candidate must not be involved in any



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criminal case and the explanations 1 & 2 also makes it clear that the candidate, even if he has obtained a judgment from the criminal court honourably acquitting him, he can be allowed to participate only in the next recruitment process. He would also submit that being a disciplined force, it is the right of the employer to either appoint the candidate or not appoint the candidate whenever the said candidate is involved in a criminal case.

7.In support of his contentions, learned Additional Advocate General appearing for the respondents drew the attention of this Court to the following authorities:

a) A decision of the Larger Bench of the Madras High Court in the case of ***J.Alex Ponseelam Vs. The Director General of Police reported in 2014 (2) CTC 337;***

b) A decision of the Hon'ble Supreme Court in the case of ***Satish Chandra Yadav Vs. Union of India reported in 2023 (7) SCC 536;***

c) A decision of the Hon'ble Supreme Court in the case of State of ***Madhya Pradesh Vs. Bhupendra Yadav reported in 2023 SC Online SC 1181.***



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8.Relying upon the aforesaid decisions, learned Additional Advocate General appearing for the respondents would submit as follows:

a) police force is a disciplined force wherein a person who is having utmost rectitude is alone eligible to be appointed;

b) even in a case where the employee has made declaration truthfully and correctly of an acquitted criminal case, the employer still has the right to consider the antecedents and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle the candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post;

c) mere acquittal of the respondents in the criminal case would not entitle him of being declared fit for appointment to the subject post when the decision taken by the employer is not tainted by any malafides or arbitrariness, the High Court cannot interfere with the said decision.

9.To the submission made by the learned Additional Advocate General, representing the respondents as referred to supra, learned



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Counsel for the petitioner by way of reply would submit that in all those decisions, the Supreme Court has referred to criminal antecedents but since at the time of application and police verification and at the time of provisional selection, the petitioner was not having any criminal antecedents, therefore, according to him, the decisions relied upon by the learned Additional Advocate General has no applicability to the case of the petitioner.

10.It is not in dispute that the post applied for by the petitioner belongs to uniformed services, which requires strict discipline. Admittedly, after the police verification and after the declaration of provisional selection list, but before the issuance of appointment order, the petitioner was involved in a criminal case. As seen from the said criminal case on account of group clash between persons belonging to the very same community of the petitioner, an FIR was registered against the petitioner under Sections 147, 148, 294(b), 341, 324 & 506(ii) of IPC. It is not a trivial criminal case like a motor accident case. There seems to have been a quarrel amongst the petitioner and the others belonging to the very same community which resulted in a criminal case being registered against the petitioner and others. Admittedly, the criminal case was registered prior to the issuance of the appointment orders in favour of selected



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candidates. The petitioner was excluded from being issued with the appointment order only due to the fact that he was involved in a criminal case and an FIR has been registered and thereafter, charge sheet also came to be filed before the criminal court and the said criminal case was also pending.

11.Admittedly, the criminal court has acquitted the petitioner only by giving benefit of doubt to him. The criminal court has given a categorical finding that the prosecution was unable to prove beyond reasonable doubt that the petitioner was involved in a criminal case and only due to the said reason, he has been acquitted by the criminal court. It is not a case where the petitioner was acquitted honourably by the criminal court. Whether the petitioner was acquitted by giving benefit of doubt or honourably, is immaterial, since the post for which the petitioner is seeking employment belongs to uniformed services and further, the case registered against the petitioner was not a trivial criminal case like an accident case etc., but the case registered against the petitioner was on account of the fact that there seems to have been group clashes between the petitioner and others belonging to the very same community.



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12.Eventhough Rule 13 of the Special Rules for TNPSS states that the petitioner must not be involved in a criminal case at the time of police verification, the object of the said rule is only to prevent persons of indiscipline from entering uniformed services like that of the police department. A literal and liberal interpretation cannot be given by this Court to explanations 1 & 2 to Rule 13, as prayed for by the learned Counsel for the petitioner. Learned Counsel for the petitioner pleaded before this Court that when the rule only specifies that at the time of police verification if the candidate is not involved in criminal case, then necessarily, the petitioner who was not involved in any criminal case at the time of police verification ought to have been issued appointment order. But according to him, the same has been rejected arbitrarily and illegally.

13.The Hon'ble Supreme Court in the decisions relied upon by the learned Additional Advocate General has made it clear that in case of uniformed services, it is the right of the employer namely respondents herein to reject the right of any candidate of being appointed to the subject post, on account of involvement in a criminal case whether or not the acquittal judgment granted in favour of the said candidate was passed by giving benefit of doubt or



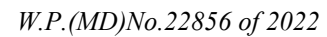
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it was an honorary acquittal. The relevant paragraph of the judgment of the Larger Bench of this Court relied upon by the learned Additional Advocate General in **J.Alex Ponseelan's** case referred to supra in paragraph No.104 reads as follows:

“104.A cursory look of the observation made by the Hon'ble Apex Court would clearly go to show that Police force is a disciplined force, wherein a person, who is having utmost rectitude is eligible for recruitment. The person, who has involved in Criminal case is totally unfit for such recruitment.”

14. Similarly in paragraph No.93.2, of the decision rendered by the Hon'ble Supreme Court in **Satish Chandra Yadav's** case referred to supra, it has been held as follows:

“93.2.Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.”



“25. We are, therefore, of the opinion that mere acquittal of the respondent in the criminal case would not automatically entitle him to being declared fit for appointment to the subject post. The appellant-State Government has judiciously exercised its discretion after taking note of all the relevant factors relating to the antecedents of the respondent. In such a case, even one criminal case faced by the respondent in which he was ultimately acquitted, apparently on the basis of being extended benefit of doubt, can make him unsuitable for appointment to the post of a Constable. The said decision taken by the appellant-State Government is not tainted by any malafides or arbitrariness for the High Court to have interfered therewith.”

a) the post to which the petitioner has applied is for the post of Grade-II Police Constable which belongs to uniformed service;



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b) the criminal case which has been registered against the petitioner subsequent to the police verification and subsequent to the declaration of the provisional selection list but before the issuance of the appointment order is not a trivial criminal case;

c) the petitioner was involved in a group clash along with his community members which resulted in registration of FIR under Sections 147, 148, 294(b), 341, 324 & 506(ii) of IPC;

d) the nature of the offence said to have been committed by the petitioner is not a trivial offence but involves large number of persons causing disruption of peace in the community.

e) when the petitioner has applied for the post of Grade-II Police Constable, such sort of criminal cases, if registered against him and if the said person is being appointed to the post of Grade-II Police Constable, that too when on his appointment he has to maintain strict discipline will set a bad example to the society, as the citizens will lose faith in the police force.

f) a liberal interpretation cannot be given to Rule 13 of the Special Rules for TNPSS. Eventhough the said Rule states that on police verification, the petitioner should not be involved in any criminal case, the object of introducing such a Rule by the State is only to ensure that persons of impeccable character are alone



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appointed to the post of Grade-II Police Constable. The petitioner cannot plead that since he was involved in the criminal case only after police verification, he ought to have been appointed to the post of Grade-II Police Constable. If such a plea is entertained, it will defeat the object of introducing such a provision in Rule 13 which is to ensure that persons of impeccable character are alone appointed to the post of Grade – II Police Constable;

g) admittedly, the petitioner is not having the benefit of any interim order from this Court, eventhough this Writ Petition was filed in the year 2022 itself. It is also brought to the notice of this Court by the learned Additional Advocate General for the respondents on instructions that the entire selection process has got over and appointment orders have already been issued and the persons appointed have already taken charge of their respective posts;

h) the impugned order came to be passed on 14.10.2022 and now we are in 2025 and therefore, at this stage since the selection process has already got over and appointment orders have already been issued, this Court cannot interfere with the same.

17.For the foregoing reasons, this Court does not find any merit in this Writ Petition.



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18. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

NCC : Yes/No

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ABDUL QUDDHOSE., J.

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