

W.P.(MD) No.18379 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 08.08.2025

Pronounced On : 18.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.18379 of 2018

and

W.M.P.(MD)No.16260 of 2018

Arunkumar,
S/o. Vempadiyan,
5/119, Periyar Street,
Melavaaladi, Lalgudi Taluk,
Trichy District.

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

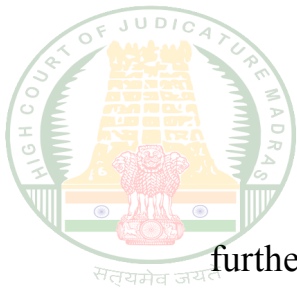
2. The Director General of Police,
Kamarajar Salai,
Chennai – 4.

3. The Superintendent of Police,
Trichy District.

... Respondents

PRAYER in W.P.:

To issue a writ, order or direction, more particularly in the nature of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 3rd respondent made in his proceedings in Na.Ka.No.A2/2940/2017 dated 30.05.2018 and quash the same and



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further direct the respondents to provide the order of appointment to the petitioner for the post of Grade-II Police Constable as per the notification issued by the 1st respondent for the year 2017 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER in WMP:

To pass an order of interim direction, directing the respondents to keep one post of Grade II Police Constable as vacant, pending disposal of the above writ petition and thus render justice.

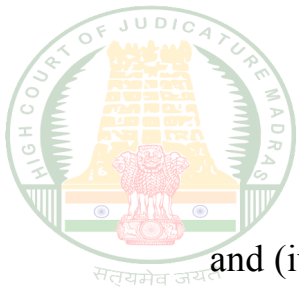
APPEARANCE OF PARTIES:

For Petitioner	: Mr.D.Venkatesh, Advocate
For Respondents	: Mr.Veera Kathiravan, Additional Advocate General-II, Assisted by Mr.J.Ashok, Additional Government Pleader

J U D G M E N T

Heard.

2. The petitioner, an aspirant for the post of Grade II Constable, participated in the selection process. By order dated 06.10.2017, he was informed that he had failed to disclose true information in his attestation form and had suppressed material facts, thereby violating Rule 14(b)(ii)



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and (iv) of the Tamil Nadu Police Subordinate Service Rules. Aggrieved, he filed W.P.(MD) No. 3218 of 2018 before this Court. By order dated 16.02.2018, the writ petition was disposed of with a direction to the respondents to consider the matter afresh and pass appropriate orders. Pursuant thereto, the third respondent passed the impugned order dated 31.05.2018, holding that the petitioner was guilty of suppression of vital information.

3. When the matter was listed on 23.08.2018, notice was taken on behalf of the respondents. Subsequently, the respondents filed a counter affidavit dated 18.03.2019, wherein, in paragraphs 6 and 7, the following statements were made:

“6. The petitioner being an applicant for post of Gr.II.PC, if he was truthful he ought to have mention for the Q no.26 as Y(Yes) and also for the Q.No.26(a) the details of the criminal case registered against him. The petitioner was acquitted from the criminal case in Crime No. 194/2016 giving benefit of doubt of the accused person as the prosecution witnesses turned hostile. The petitioner himself admitted that he failed to mention his involvement in the Siruganur PS Cr.No.194/20196 which is an after thought rouse.



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7. ...the police verification report in C.No. 455/SB/TRI/VR/2017/272 dated 25.09.2017 of the Inspector of Police District Special Branch, Tiruchirappalli which reveals that the petitioner was involved in Siruganur PS Cr.No. 194/2016 u/s 147, 148, 294(b), 324, 427 & 506 (ii) of IPC as an accused -A2 as such his antecedent and the character are questionable one and moreover the petitioner suppressed the above fact in his Application Form while submitting the same to the TNSURB. As such the petition's candidature for the post of Gr.II.PC rightly rejected by the 3rd respondent in his order in C.No.A2/2940/2017 dated 06.10.2017 as per TN Police subordinate service rules u/r 14(b)(iv)."

4. The issue is no longer *res integra*. The rule under which the petitioner was denied employment has already been upheld by a Full Bench of this Court, and the said decision was subsequently affirmed by a Five-Judge Bench. In its decision in ***re J. Alex Ponseelan v. Director General of Police***, reported in **2014 (2) CTC 337**, the Five-Judge Bench conclusively settled the matter. The reasoning of the majority view set out is found in paragraphs 81 to 84 and reads as follows:

"81. 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 atmost rectitude is eligible for recruitment. The person who has involved in criminal case is totally unfit for such recruitment.



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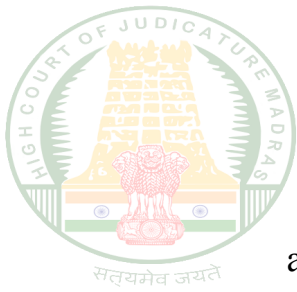
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82. Since the observation made by the Hon'ble Apex Court in Mehar Singh's case is similar to the object of Explanations 1 and 2 of Rule 14(b)(iv) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, it is needless to say that the same should be held as *intra vires*. Further in view of the discussion made earlier, the law laid down in Manikandan's case reported in 2008 (2) CTC 97 rendered by the Full Bench of this Court, still holds field and the same need not be overruled as the Special Leave Petitions have been dismissed holding as follows:

"No ground is made out for our interference with the impugned judgment. The Special Leave Petitions are dismissed accordingly."

83. It has become shunless to say that Clause IV of Rule 14(b) together with Explanations 1 and 2 have been introduced only for the purpose of recruiting persons who are having rectitude and not persons involved in criminal case(s). The Government of Tamil Nadu have introduced the same with atmost summum bonum for the purpose of maintaining a disciplined police force. Since Clause IV of Rule 14(b) and its Explanations 1 and 2 have been introduced with atmost good faith, nobody is entitled to have a furtive look upon it.

84. It has already been discussed elaborately and decided that the doubts raised by the learned Referring Judge for making the present Reference are not legally sustainable and further for the examples given by the learned Referring Judge, the decision rendered in Mehar Singh's case reported in (2013) 7 Supreme Court Cases 685 by the Hon'ble Apex Court, stands as a befitting answer, and therefore, there is no merit in the Reference in question



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and answered the same accordingly and no other points have been raised on either side.”

5. The observations of R. Sudhakar J, who presided over the Bench are recorded in paragraphs 21 and 22 of the said judgment, which read as follows:

“21. I, therefore, answer the reference in the following:

(i) The decision rendered by the Full Bench of this Court in Manikandan’s case, reported in 2008

(2) CTC 97 is a good law.

(ii) Rule 14(b)(iv) together with Explanations 1 and 2 of the Tamil Nadu Police Subordinate Service Rules is intra vires of the Constitution, as has already been held by the Full bench in the Manikandan’s case and by the learned Single Judge in N.Veeramani’s case.

22. Before parting, I may observe that I have had the privilege of perusing the judgments proposed by my learned brothers Justice S.Tamilvanan and Justice A.Selvam and it had been my endeavour not to repeat the reasonings of A.Selvam J. with whom I respectfully agree and, with utmost respect, I dissent from the views of S.Tamilvanan, J”

6. Since the Larger Bench affirmed the decision of the earlier Full Bench in *Manikandan’s case (cited supra)*, it becomes necessary to refer to the reasoning adopted therein on the issue of recruitment of candidates with adverse antecedents. The Full Bench held as follows:



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“In answer to the reference made to the Full Bench,
we hold-

(a) that by virtue of Explanation 1 to Clause (iv) of Rule 14 (b) of the Tamilnadu Special Police Subordinate Service Rules, a person acquitted on benefit of doubt or discharged in a criminal case, can still be considered as disqualified for selection to the police service of the State and that the same cannot be termed as illegal or unjustified; and

(b) That the failure of a person to disclose in the application form, either his involvement in a criminal case or the pendency of a criminal case against him, would entitle the appointing authority to reject his application on the ground of concealment of a material fact, irrespective of the ultimate outcome of the criminal case.

In view of the above, all the writ petitions fail and they are dismissed. No costs.”

7. Accordingly, this Court finds that the present writ petition is not fit to be entertained. The writ petition is, therefore, dismissed. Consequently, the connected WMP is closed. No costs.

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS/ay

18.09.2025



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DR. A.D. MARIA CLETE, J.

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Copy to:

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Chennai – 8.
2. The Director General of Police,
Kamarajar Salai,
Chennai – 4.
3. The Superintendent of Police,
Trichy District.

Pre-delivery Judgment made in
W.P. (MD) No.18379 of 2018

18.09.2025