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W.P.(MD) No.23691 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.23691 of 2023

and

W.M.P.(MD) No.19865 of 2023

S.Rajkumar

... Petitioner

-VS-

1.Tamil Nadu Uniformed Services
Recruitment Board
represented by its Chairman /
Member Secretary
Recruitment Sub-Committee
Old Commissioner of Police Office Campus
Pantheon Road, Egmore, Chennai-600 008

2.Director General of Police /
Director General of Prisons and
Correctional Services
Egmore, Chennai-600 008

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the order of the 2nd respondent dated 08.08.2023 in No.52691/E.W.1/2022 and quash the same and consequently directing the respondents to issue the



W.P.(MD) No.23691 of 2023

WEB COPY

appointment order to the petitioner and send him for training for the post of Jail Warder with effect from the date of original selection within a time stipulated by this Court.

For Petitioner : Mr.J.Parekh Kumar

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General-III
assisted by Mr.A.Baskaran
Additional Advocate General

ORDER

This writ petition has been filed challenging the impugned order of the second respondent, dated 08.08.2023, rejecting the petitioner's candidature for selection to the post of Jail Warder on the ground that he was involved in a criminal case.

2. The following facts are not disputed:

- (a) The petitioner was involved in a motor vehicle accident and a first information report was registered against him prior to the date of the application submitted by him seeking appointment to the post of Jail Warder.



W.P.(MD) No.23691 of 2023

WEB COPY

- (b) The first information report was registered on 30.06.2022.
- (c) The application was submitted by the petitioner seeking appointment to the post of Jail Warder on 29.07.2022 i.e., after the date of registration of the first information report.
- (d) Under Rule 6(f) of the Special Rules for the Tamil Nadu Jail Subordinate Services, the candidate should not be involved in any criminal case before the police verification. Explanation (1) to Rule 6(f) also makes it clear that a person, who is acquitted or discharged on benefit of doubt or due to the fact that the complainant turned hostile, shall be treated as a person involved in a criminal case.
- (e) Admittedly, in the instant case, the petitioner was acquitted from the criminal case only on account of the complainant having turned hostile.



W.P.(MD) No.23691 of 2023

WEB COPY

3. Learned counsel for the petitioner drew the attention of this Court to the decision of the Division Bench of this Court dated 05.06.2023, passed in W.A.(MD) No.938 of 2020 batch, in the case of the **Director General of Police and another vs. K.Indhu Kumar** and would submit that accident cases are not considered as criminal cases for the purpose of Rule 6(f) of the Special Rules for the Tamil Nadu Jail Subordinate Services.

4. However, as seen from the said Judgment, it has been made clear that there should be no suppression of fact by the applicant. In the case on hand, it is the case of the respondents that there has been suppression of the fact that the petitioner was involved in a criminal case at the time of submission of his application seeking appointment to the post of Jail Warder. According to them, in the application, the petitioner has stated that he is not involved in any criminal case. Admittedly, only after the first information report was registered against the petitioner in the instant case, he had submitted the application pursuant to the recruitment notification and had applied to the post of Jail Warder. However, in the application, in the column requiring the applicant to give particulars as to whether he is involved in any criminal case, the petitioner has declared that he is not involved in any



W.P.(MD) No.23691 of 2023

WEB COPY

criminal case. But, the truth is that on the date of submission of the application, he was involved in a motor vehicle accident case and a first information report was also registered against him and the same was still pending.

5. Rule 6(f) of the Special Rules for the Tamil Nadu Jail Subordinate Services reads as follows:

“(f)a person has not involved in any criminal case before Police Verification.

Explanation (1) – A person who is acquitted or discharged on benefit of doubt or due to the fact that the complainant turned hostile, shall be treated as a person involved in a criminal case.”

6. As seen from the aforesaid Rule, it is clear that the candidate applying for the post of Jail Warder pursuant to the recruitment notification must not be involved in any criminal case. Explanation (1) to Rule 6(f) makes it clear that even if the applicant has been acquitted by giving benefit of doubt or on account of the fact that the complainant has turned hostile, he is still treated as a person involved in a criminal case. Therefore, under the impugned order, the respondents have rightly rejected the petitioner's



W.P.(MD) No.23691 of 2023

WEB COPY

application, on the ground that he is involved in a criminal case by applying Rule 6(f) of the Special Rules for the Tamil Nadu Jail Subordinate Services.

7. Further, this writ petition was filed in the year 2023. The petitioner is also not having the benefit of any interim order by directing the respondents to keep one post vacant. Learned Additional Advocate General appearing for the respondents, on instructions, would submit that the entire selection process is over and appointment orders have already been issued and the respective candidates, who have been selected, have already taken charge. Therefore, even on this ground, after a lapse of more than two years from the date of the impugned order, the question of interfering with the impugned order does not arise.

8. At this juncture, learned counsel for the petitioner would submit that there has been no suppression of material facts on the part of the petitioner in the application, since, according to the petitioner, he did not have knowledge of registration of the first information report prior to the submission of his application. He came to know about registration of the first information report against him only subsequently.



W.P.(MD) No.23691 of 2023

WEB COPY

9. Even assuming the said submission is true, this Court is of the considered view that since the petitioner was acquitted only on account of the fact that the complainant had turned hostile, Explanation (1) to Rule 6(f) of the Special Rules for the Tamil Nadu Jail Subordinate Services squarely applies to the petitioner's case and therefore, for the purpose of selection to the post of Jail Warder, since Explanation (1) to Rule 6(f) makes it clear that even a person, who has been acquitted on account of the fact that the complainant turned hostile, is still considered as a person, who is involved in a criminal case and therefore, the petitioner's application has been rightly rejected under the impugned order.

10. For the foregoing reasons, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2025

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

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Page 7 of 9



W.P.(MD) No.23691 of 2023

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To:

- 1.The Chairman /
Member Secretary,
Recruitment Sub-Committee,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai-600 008.
- 2.The Director General of Police /
Director General of Prisons and
Correctional Services,
Egmore, Chennai-600 008.



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W.P.(MD) No.23691 of 2023

ABDUL QUDDHOSE, J.

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W.P.(MD) No.23691 of 2023
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