



WEB COPY

W.P.No.31460 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.31460 of 2016
and
W.M.P.No.27298 of 2016

S.Vimal

... Petitioner

Vs.

1. Union of India,
Rep. by Director General of Police,
Police Department, Puducherry.

2. Superintendent of Police (Headquarters),
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent in No.2853/A1/Estt.I(B)/POL/2014 dated 20.02.2016, quash the same and consequently direct the respondents to appoint the petitioner as Home Guard in the Puducherry Home Guards Organisation.

For Petitioner

: Mr.M.Gnanasekar

For Respondents

: Mr.R.Syed Mustafa,
Special Government Pleader
(Puducherry)



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ORDER

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The present Writ Petition has been filed challenging the impugned order dated 20.02.2016, whereby the petitioner's selection was cancelled by the second respondent solely on the ground that he was involved in a heinous offence under Section 302 of the Indian Penal Code.

2.Heard the learned counsel for both sides and perused the materials available on record.

3.The learned counsel for the petitioner vehemently contended that though the petitioner was implicated in the criminal case, he was subsequently acquitted of all charges in S.C.No.16 of 2013, by judgment dated 27.11.2014. Therefore, mere involvement in a criminal case, particularly when it has ended in acquittal, ought not to have affected his selection.

4.Per contra, the learned counsel appearing for the respondents stoutly opposed the said contention and submitted that it is the prerogative of the employer to decide whether a person is suitable for appointment. In the case



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in hand, the petitioner had been involved in a grave offence under Section 302 IPC and appointment of such a person as a Home Guard would not be in the interest of justice. Hence, according to the respondents, there is no infirmity in the impugned rejection order.

5.I have given my anxious consideration to either side submissions.

6.It is not in dispute that the petitioner was involved in a criminal case under Section 302 IPC. It is also an admitted fact that he was acquitted in S.C.No.16 of 2013 on 27.11.2014. The contention of the learned counsel for the petitioner is that the said acquittal ought to have been taken into consideration by the authorities before issuing the impugned order.

7.It is well settled that the employer has the prerogative to assess the suitability of a candidate for appointment. In the present case, though the petitioner was acquitted, such acquittal was on the basis of benefit of doubt. Considering the nature and gravity of the offence in which the petitioner had been involved, this Court does not find any valid ground to interfere with the order of rejection passed by the second respondent. Accordingly, this Court finds no merit in the present Writ Petition.



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8. In the result, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.01.2026

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Director General of Police,
Union of India,
Police Department, Puducherry.
2. The Superintendent of Police (Headquarters),
Puducherry.



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C.KUMARAPPAN, J.

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