



WEB COPY

WP No. 16502 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No. 16502 of 2019

Vijayakumar

Petitioner

Vs

1. Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai-8.

2.The Superintendent of Police,
Cuddalore District.

3.The Inspector of Police,
Cuddalore N.T.Police Station, Cuddalore.

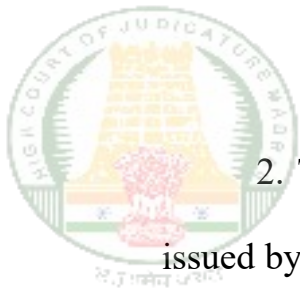
Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in his Proceedings in Na.Ka.No.A4/555/AR2018-4, dated 08.11.2018 and quash the same and thereby direct the Respondents to appoint the petitioner as Constable Grade- II in the Tamilnadu Police.

For Petitioner:	Mr.Suresh.N
For Respondents:	Mr.L.S.M.Hasan Fizal, Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents and perused the record.



2. The case of the petitioner in brief is that pursuant to the notification issued by the 1st respondent herein he had applied for the post of Grade II Police Constable and wrote the written examination on 10.09.2018; that he was also called for Physical Measurement Test, Endurance Test, Physical Efficiency Test which were cleared by him; and that he became eligible for appointment to the post of Grade II Police Constable.

3. It is the further case of the petitioner that the 2nd respondent however by an order dated 08.11.2018, had rejected his appointment to the post of Grade II Police Constable on the ground that there are three criminal cases against him in S.C.No.202/2013 on the file of the Principal Sessions Judge, Cuddalore, Crime No.127/2013 on the file of the Nellikuppam Police Station / Crime No.156/2013 on the file of the Nellikuppam Police Station (for same cause of action) and Crime No.531 /2017 on the file of the Nellikuppam Police Station.

4. The petitioner contends that in S.C.No.202 of 2013, he was acquitted by the Sessions Court; that though he was acquitted by the Sessions Court, since the acquittal was not honourable acquittal, he has filed CrI.O.P.No.27968 of 2018 before this Court wherein this Court vide order dated 30.11.2018, held that the aforesaid acquittal is honourable acquittal. Insofar as Crime No.156 of 2013 is concerned, the learned Sub Divisional Magistrate cum Sub Collector vide



order dated 05.12.2018 had dismissed the aforesaid criminal case against the petitioner, as not proved; that insofar as Crime No.531/2017 is concerned, the respondent Police after conducting enquiry, filed its final report stating that the same is mistake of fact.

5. The petitioner further contends that since, the petitioner is acquitted in S.C.No.202/2013 and the other case having been closed, the respondents by the impugned order, dated 08.11.2018, could not have rejected his appointment on the ground that he being involved in three criminal cases. Contending as above, the petitioner seeks for setting aside the impugned order with a consequential direction to the respondents to appoint him as Grade II Police Constable.

6. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submits that the petitioner did not disclose the fact of pendency of the criminal cases at the time of submitting application to the post of Grade II Police Constable; that the fact of petitioner being involved in criminal cases came to be known during verification by the respondents; and that the respondents taking note of suppression have issued the impugned proceedings, rejecting the candidature of the petitioner to the post of Grade II Police Constable.



7. On behalf of the respondents, it is also contended that Crime No.156/2013 was also closed only on 05.12.2018 i.e., subsequent to the passing of the impugned order; that the acquittal secured by the petitioner in S.C.No.202/2013 is not honourable acquittal; that the acquittal on the ground of benefit of doubt was converted into honourable acquittal by this Court only on 30.11.2018 and thus, all the aforesaid proceedings are subsequent to the petitioner applying for the aforesaid job and also after the 1st respondent issuing the impugned proceedings and the same cannot be taken into consideration.

8. On behalf of the respondents, it is also contended that nothing prevented the petitioner from disclosing his involvements in the aforesaid crimes in the application submitted by him, resulting to suppression of fact. Contending as above, the learned Additional Government Pleader appearing for the respondents, seeks for dismissal of the writ petition.

9. I have taken note of the respective submissions.

10. Admittedly, the petitioner while submitting his application for appointment to the post of Grade II Police Constable, pursuant to the notification issued by the 1st respondent, did not disclose the factum of he being involved in three criminal cases, notwithstanding the fact that the same resulted



in acquittal or getting closed or dismissed, subsequently. Further, what is required from the applicant at the time of submitting application is, disclosure of pendency of criminal cases and not the result or his involvement therein.

11. Further the fact of the petitioner not disclosing the pendency of the criminal cases at the time of submitting his application and the said fact having come to light only during verification by the respondents, would have to be considered as the petitioner not making true and his complete disclosure of the information which is required to furnish at the time of submitting application. Thus, the petitioner having suppressed the fact of pending criminal case against him on the date when he had submitted his application offering his candidature for selection, petitioner cannot be allowed to claim of his candidature to be considered for recruitment under the aforesaid notification.

12. The Hon'ble Supreme Court in the case of ***Director General of Police, Tamil Nadu, Mylapore Vs. J.Raghunees*** in reported in (2023) 16 SCC 647), has held as under:

“14. In other words, the candidate in the first instance is obliged to give correct information as to his conviction, acquittal or arrest or pendency of the criminal case and there should be no suppression or false mention of required information. Secondly, even if truthful declaration is made by him, he would not be entitled to appointment as a matter of right and that the employer still has the right to consider his antecedents.



15. In the case at hand, though the respondent may be eligible for appointment but since he has not disclosed the complete information with regard to his involvement in a criminal case, wherein he might have been acquitted earlier even before verification, he cannot escape the guilt of suppressing the material information as required by Column 15 of the verification roll. Keeping in mind that the respondent was a candidate for recruitment to a disciplined force, the non-disclosure of the information of his involvement in the criminal case and subsequent acquittal therefrom cast a serious doubt upon his character and the antecedents which is sufficient enough to disentitle him from employment.”

13. The aforesaid decision of the Hon’ble Apex Court squarely applies on all force to the facts of the present case and the petitioner is not entitled for being granted any relief as it is for the respondents to decide as to whether a candidate having criminal antecedents, can be taken into uniformed and disciplined service.

14. Accordingly, the writ petition as filed is devoid of merits and it is dismissed. No costs.

26-03-2026

vum

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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