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W.P.No.30620 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30620 of 2017
and
W.M.P.No.33520 of 2017

E.Suresh
S/o.M.Elumalai

... Petitioner

vs.

1. The Director General of Police
Kamaraj Salai, Mylapore
Chennai-600 004.
 2. The Chairman
Tamil Nadu Uniformed Services Recruitment Board
No.807, P.T.Lee, Chengalvaraya Naicker Maaligai
Chennai-600 002.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent dated 14.02.2017 in C.No.D2/1595/2013 and to quash the same as illegal, invalid and without jurisdiction and to direct the 2nd respondent herein to appoint the petitioner to the post of Police Constable Grade II.



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For Petitioner : Mr.M.Ramamoorthi
For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Ms.S.Anitha
Special Government Pleader, for R1
Ms.D.Sowmidattan,
Standing Counsel, for R2

ORDER

The petitioner challenges the order dated 14.02.2017 issued by the second respondent, whereby the petitioner's candidature for appointment to the post of Police Constable Grade II was rejected on the ground that the cut-off mark prescribed for the Backward Class community was 71, whereas the petitioner had secured only 69 marks.

2. Pursuant to the recruitment notification issued in the year 2012 for appointment to the post of Police Constable Grade II, the petitioner submitted his application seeking consideration for appointment. The petitioner secured 69 marks in the written examination as well as in the Physical Efficiency Test. Though he was not eligible for appointment to the Armed Reserve, he was found eligible for appointment to the Tamil Nadu Special Police, and his name was provisionally included in the selection list



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for the said post.

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3. Upon verification of records, it was found that the petitioner had been involved in a criminal case in C.C. No.98 of 2009, which ended in acquittal vide judgment dated 19.07.2010. The petitioner was, therefore, not considered for selection to the post of Tamil Nadu Special Police on the ground that he had suppressed the fact of his involvement in the said criminal case, though it had ended in acquittal.

4. Mr. M. Ramamoorthi, learned counsel for the petitioner, submitted that the petitioner had been charge-sheeted for offences under Sections 294(b) and 323 of the Indian Penal Code and that he was acquitted by the trial Court on account of a settlement entered into between the parties, whereby the offences were compounded. He further submitted that the offences alleged were neither heinous nor serious but trivial in nature, and that suppression of such acquittal ought not to be a ground to reject his candidature for the post of Tamil Nadu Special Police. In support of his submission, reliance was placed on the decision of this Court in ***K. Sneha vs. DGP and another in W.P. No.10788 of 2020 dated 06.10.2020.***



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5. Per contra, Mr. P. Kumaresan, learned Additional Advocate General, submitted that the recruitment notification contains a clear and categorical stipulation requiring candidates to disclose their involvement in any criminal case and that the petitioner, having suppressed the fact of his involvement in a criminal case which ended in acquittal, is not entitled to appointment to the said post. He further submitted that the petitioner was acquitted only on account of compounding of offences pursuant to a settlement arrived at between the parties. In support of his submission, reliance was placed on the decision of the Hon'ble Supreme Court in *State of Madhya Pradesh and others vs. Bhupendra Yadav, 2023 SCC OnLine SC 1181*.

6. The arguments advanced by the learned counsel on either side and the materials available on record have been duly considered.

7. The criminal case registered against the petitioner was for offences under Sections 294(b) and 323 IPC. During trial, the petitioner and the complainant entered into a compromise, and in terms of the settlement, the offences were compounded, which culminated in his acquittal in respect of the said offences.

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8. The judgment of acquittal is dated 19.07.2010, whereas the recruitment notification was issued in the year 2012. However, the petitioner, for reasons best known to him, failed to disclose his involvement in the criminal case, which had ended in acquittal on account of compounding of offences. It is also brought to the notice of this Court that the posts in the Tamil Nadu Special Police have since been filled up pursuant to the said recruitment notification and, as on date, no vacancy is available. Further, no direction had been issued by this Court to keep any post vacant.

9. This Court, in the decision relied upon by the petitioner in ***Sneha's case (supra)***, held that involvement in a criminal case or conviction cannot operate as a blanket bar for appointment. However, the said decision is distinguishable on facts, as the petitioner therein was a minor at the time of registration of the FIR, whereas in the present case, the petitioner was not a minor.

10. The Hon'ble Supreme Court, in ***Bhupendra Yadav's case (supra)***, referred to the judgment of the three-Judge Bench in ***Avatar Singh vs.***



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Union of India and others, (2016) 8 SCC 471, wherein, at paragraph 38.4, it

was held that in cases of suppression or false information regarding involvement in a criminal case where conviction or acquittal had already been recorded prior to submission of the application/verification form, and such fact later comes to the knowledge of the employer, appropriate recourse may be adopted depending on the facts of the case. In paragraph 38.4.3, it was further held that where acquittal is not a clean acquittal but based on technical grounds, compromise, or benefit of doubt in cases involving moral turpitude or serious offences, the employer may consider antecedents and take an appropriate decision.

11. In the present case, upon verification, it was found that the petitioner had deliberately suppressed the fact of his involvement in a criminal case, which ended in acquittal on account of compounding of offences. The respondents were, therefore, justified in taking a decision not to appoint the petitioner to the post of Tamil Nadu Special Police. Moreover, as on date, no vacancy is available in the said post. Under such circumstances, the petitioner is not entitled to the relief sought.



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12. Accordingly, the captioned Writ Petition stands dismissed.

Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

12.02.2026

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

1. The Director General of Police
Kamaraj Salai, Mylapore
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