



WP(MD). No.2070 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.02.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.2070 of 2026

and

WMP(MD)Nos.1637, 1638 and 1639 of 2026

G.Mari Sankar

... Petitioner

Vs

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai – 3.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy to Velachery Main Road,
Guindy, Chennai – 32.
3. The Deputy Director/Wildlife Warden,
Project Tiger,
Mukoodal Road,
Ambasamuthiram – 627 401.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records of



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the impugned order in Memorandum No.1111/PSD-B3/2025 dated 07.01.2026 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.K.Jeyamohan
For R1 : Mr.V.Panneer Selvam,
Standing Counsel
For R2 and R3 : Mr.C.Venkatesh Kumar,
Special Government Pleader

ORDER

The petitioner has applied for the post of Forest Guard with driving licence. He has been participated in the written examination and endurance test. He has also been appointed in service on 05.06.2025. However, by proceedings of the 1st respondent dated 07.01.2026, his candidature was rejected on the ground of suppression of his involvement in a criminal case. Aggrieved by the same, the petitioner is before this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner is a first graduate from his family. He is also having a



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driving licence. He has completed all the selection process and he has also been appointed in service on 05.06.2026. However, the petitioner, inadvertently, failed to mention the criminal case, in which he was involved, since the criminal case ended in acquittal. However, on the ground that he has suppressed his involvement in the criminal case, his candidature has been rejected.

3. The learned counsel, by relying upon a Judgment of the Hon'ble Supreme Court in *Avtar Singh vs. Union of India*, reported in (2016) 8 **SCC 471**, submits that in case of acquittal, if there is any suppression of a case involving moral turpitude or offence of heinous/serious nature, his candidature can be cancelled and in all other cases, it can be considered. By following the Judgment of the Hon'ble Supreme Court in *Avthar Singh's case*, the Hon'ble Supreme Court in a subsequent judgment in *Ravindra Kumar vs. State of Uttar Pradesh and others* reported in 2024 **5 SCC 264** has set aside the similar rejection order. The learned counsel has also relied on a Judgment of the Division Bench of this Court in W.A.(MD)No.1786 of 2023 dated 19.06.2025 and submits that the Division Bench of this Court, by following the abovesaid Judgments, has



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also granted relief to a similarly placed person. Therefore, the learned counsel seeks interference of the impugned order.

4. Mr.V.Panneer Selvam, learned counsel for the respondent submits that the petitioner's candidature has been rejected on the ground that he has suppressed his involvement in a criminal case, which is in violation of the conditions as prescribed in the Notification. Therefore, the petitioner is not entitled for any relief. In support of his contention, he has also relied on para 38.7 of the Judgment in *Avthar Singh's case*.

5. This Court has considered the rival submissions made and perused the materials placed on record.

6. The petitioner claims that he is a first graduate from his family. He has successfully cleared the written examination and endurance test. However, he failed to mention his involvement in a criminal case. Admittedly, even before the selection process, he has been acquitted from the criminal case. However, he ought to have mentioned his involvement in the criminal case as per the Notification of the TNPSC.



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7. In a similar issue, the Hon'ble Supreme Court in *Avtar Singh vs. Union of India and others*, reported in (2016) 8 SCC 471, has issued certain conditions as under:

“38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:

38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2. While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3. The employer shall take into consideration the Government Orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where



conviction or acquittal had already been recorded before filing of the application/verification form and such fact later comes to knowledge of employer and of the following recourses appropriate to the case may be adopted:

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and



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cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion, may appoint the candidate subject to decision of such case.

38.7. In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8. If criminal case was pending but not known to the candidate at the time of filing the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9. In case the employee is confirmed in service, holding departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10. For determining suppression or false



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information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

38.11. Before a person is held guilty of *suppressio veri or suggestio falsi*, knowledge of the fact must be attributable to him.”

8. Following the same, the Hon'ble Supreme Court in ***Ravindra Kumar vs. State of Uttar Pradesh and others***, reported in (2024) 5 SCC 264 has held as under:

“34. On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme or things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification,



will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take a holistic view, based on objective criteria, with the available precedents serving as a guide. It can never be a one size fits all scenario.

Relief

35. For the reasons set out hereinabove, the appeal is allowed and the order of the learned Single Judge and the impugned order of the Division Bench dated 29.10.2010 in Special Appeal No.896 of 2005 are set aside. The order of 12.4.2005 of the third respondent, Commandant 27th Battalion, PAC, Sitapur is quashed and set aside. The respondents are directed to appoint the appellate in service on the post of Constable for which he was selected, pursuant to his participation in reference to the Recruitment Notification dated 20.01.2004. We make it clear that the appellate will not be entitled for the arrears of salary for the period during which he has not served the force. At the same time, we direct that the appellant will be entitled for all notional benefits, including pay, seniority and other consequential benefits. Necessary orders shall be passed within a period of four



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weeks from today. There shall be no order as to costs.”

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9. A Division bench of this Court, in W.A.(MD)No.1786 of 2023, dated 19.06.2025 (*The Secretary, Tamil Nadu Public Service Commissioner, Frazar Bridge Road, VOC Nagar, Park Town Chennai vs. M.Kannan*), by following the Judgment of *Ravindra Kumar's case* has granted relief to a similarly placed person, as under:

“4. We are of the view that interference with the order of the learned Single Judge would be inequitable and it is not warranted. It is made clear that the writ petitioner will be entitled to only notional benefits including continuity in service and pay fixation on a par with other similarly situated persons and he would not be entitled for salary and back wages till the date of his appointment. This writ appeal is dismissed with the aforesaid direction.”

10. In view of the same, this writ petition is allowed and the impugned order passed by the 1st respondent, in Memorandum No. 1111/PSD-B3/2025 dated 07.01.2026 is set aside. There shall be a direction to the respondents to consider the case of the petitioner



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sympathetically in the light of the Judgments of the Hon'ble Supreme Court as well as the Division Bench of this Court as cited supra. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

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