



W.A(MD) No.1039 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 04.03.2026

PRONOUNCED ON : 23.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A.(MD)No.1039 of 2023

and

C.M.P(MD)No.8182 of 2023

1.The Director General of Police
State of Tamil Nadu,
Mylapore,
Chennai – 4.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pandiyar Salai, Elambur,
Chennai – 8.

3.The Deputy Commissioner of Police,
North, Tiruchirappalli City,
Tiruchirappalli.

.... Appellants/respondents

Vs.

G.Vignesh

....Respondent/Writ Petitioner



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PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed in W.P.(MD)No.13097 of 2022, dated 26.08.2022.

For Appellants : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.S.Vinodh
Government Advocate

For Respondent : Mr.R.Murali
for Mr.M.Sureshkumar

JUDGMENT

(Judgment of this Court was delivered by **R.POORNIMA, J.**)

This Writ Appeal is preferred against the order passed in W.P.(MD)No.13097 of 2022, dated 26.08.2022 and prayed to set aside the same.

2. The case of the petitioner is that the petitioner applied for the post of Grade-II Police Constable (Armed Reserve, Tamil Nadu



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Special Force) Jail Warden and Firemen in the Tamil Nadu Uniformed Services Recruitment for the year 2020. He passed the written examination and other examination. During verification of his previous antecedent, it was found that he was involved in 2 crime numbers.

1) Crime No.996 of 2017 dated 17.07.2017 lodged in which the petitioner has was arrayed as A3 for the offences under Sections 294(b), 323, 324, 506(ii) IPC on the file of Woraiyur Police Station, Trichy and

2) Crime No.787 of 2015 was also registered against him for the offence under Sections 294(b), 323 IPC on 21.12.2015 in which the petitioner was arrayed as A1 on the file of Woraiyur Police Station, Trichy. The office of the Commissioner of Police, vide letter in Na.Ka.No.A2/28885/2021 dated 12.01.2022 informed the petitioner that though he was acquitted in Crime No.996 of 2017 under Sections 294(b), 323, 324, 506(ii) IPC, the acquittal was only on the ground of benefit of doubt under Section 248(1) Cr.P.C. The judgment was rendered only on 18.06.2019. As per the Rule 14(b) (1) of Tamil Nadu Special Police Subordinate Rules, a person should not involved in any criminal activity and his antecedents should be satisfied. As per the said Rule 14(b) explanation (1) a person who is acquitted on benefit of doubt or due to



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the fact that the complainant turned hostile shall be treated as a person involved in a criminal case. Therefore, since his antecedent were not found satisfactory, he was not appointed.

2.1. Aggrieved by the same, he filed a writ petition in W.P. (MD)No.13097 of 2022, before the Court which the learned Single Judge allowed the petition, in paragraph Nos.8 and 9 are as follows :

8. In the light of the above observations, the facts involved in the present case was looked into. Admittedly, the petitioner herein was acquitted in the criminal case registered against him. The petitioner herein had disclosed the registration of this complaint both in his application as well as during the time of police verification. As such, there is no suppression of facts from his side.

9. Under Clause 7(b) and 8(i) of the guidelines (supra), the candidates, who are acquitted honourably, were considered for appointment to the post of SI of Police/Grade II Police Constables on earlier occasions. The guidelines of the Director General of Police was laid down as a yardstick for the selection of the candidates, in addition to the disqualifications referred to under the notification, as well as the relevant rules. In other words,



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the aforesaid exception has been carved out from the disqualifications prescribed under the notification, as well as the Rules. Since the involvement of the candidate for any offence, who was acquitted honourably, was considered to be an exception, in view of the proceedings of the Director General of Police, dated 22.02.2021, the petitioner herein would be entitled for appointment. Since the petitioner's case was rejected through the impugned order, dated 12.01.2022, the same is liable to be set aside for the aforesaid reasons.

2.2. Accordingly, the learned Single Judge quashed the impugned order dated 12.01.2022 and direct the 3rd respondent to forthwith pass appropriate orders in the light of the above findings and to issue posting orders to the petitioner for the post of Grade II Police Constable pursuant to the notification issued for common recruitment for the post of Grade-II Police Constable (Armed Reserve, Tamil Nadu Special Force) Jail Warden and Firemen in the Tamil Nadu Uniformed Services Recruitment for the year 2020 within a period of four weeks from the date of receipt of a copy of the order.



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3. Against which the present writ appeal filed by the appellants / respondents with the following among other grounds :

(i) That the learned Single Judge has erred in allowing the writ petition, solely on the basis of clause 7 (b) of the guidelines issued by the Director General of Police in Rc.No.1268/208889/Rect II(1) 2015, dated 17.12.2015, in which it has been reiterated in paragraph No.9 of the subsequent so called guidelines issued in the proceedings by the Director General of Police in Rc.No.001455/Rect.I(2)/2021, dated 22.02.2021. As per said clause only those who were 'Honourably acquittal' before the date of police verification are eligible for consideration.

(ii) That the learned Single Judge has failed to consider that in Paragraph No.7(d) of the very same circular dated 17.12.2015, which has been reiterated in paragraph No.9 of the subsequent letter issued by the 1st appellant dated 22.02.2021 states that a 'discharge on technical grounds turning hostile witnesses will not entitle a candidate to automatic clearance. In such circumstances the appointing authorities is still empowered to reject the candidature on ground of unsuitability for the the nature of the duties attached to the post.



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4. The learned counsel for the petitioner relied upon the following judgments in support of his contentions:

1) ***Satish Chandra Yadav v. Union of India***, reported in (2023) 7

SCC 536, reads as follows :

“93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

93.3. The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.”

2) W.A.(MD) No. 678 of 2022 (P.Raj Kumar Vs. The Director



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General of Police, Chennai - 600 004 and others) dated 08.07.2022, held as follows :

“6.This Court considered the propositions reiterated by the Hon’ble Supreme Court and this Court in several decided cases. Learned Additional Advocate General appearing for the respondents referred to the Tamil Nadu Special Police Subordinate Service Rules, 1978, particularly to explanation (1) of Rule 14(b), which reads as follows:

“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”.

It is relevant to mention that the proceedings of Director General of Police in RC.No.001455/Rect1(2)/2021 dated 22.02.2021, relied upon by the respondents gives an indication that discharge on technical grounds (hostile witnesses) does not entitle the candidate for automatic clearance and appointing authorities may still reject the candidature on ground of unsuitability to do the nature of the duty.

7. In view of the above guidelines and the explanation (1) to Rule 14(b), this Court is of the view that in this case, the appellant-s candidature was rejected on the ground of suitability and the fact that appellant was



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acquitted in the criminal case was also noticed by the authorities. As pointed out earlier, the appellant was acquitted mainly on the ground that all the three witnesses have turned hostile. As indicated earlier, the involvement of the petitioner in a physical altercation cannot be disputed. Therefore, the accused were discharged from the criminal case only on the ground that charges were not proved beyond reasonable doubt because the witness turned hostile and it can never be treated as honourable acquittal.”

3) *State of M.P. vs. Bhupendra Yadav*, reported in (2024) 18 SCC

628 : 2023 SCC On Line SC 1181 reads as follows :

“26. We are, therefore, of the opinion that mere acquittal of the respondent in the criminal case [Bhupendra Yadav v. State of M.P., 2017 SCC On Line MP 2372] would not automatically entitle him to being declared fit for appointment to the subject post. The appellant State Government has judiciously exercised its discretion after taking note of all the relevant factors relating to the antecedents of the respondent. In such a case, even one criminal case faced by the respondent in which he was ultimately acquitted, apparently on the basis of being extended benefit of doubt, can make him



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unsuitable for appointment to the post of a Constable. The said decision taken by the appellant State Government is not tainted by any mala fides or arbitrariness for the High Court to have interfered therewith”.

4. *K. Ayyanar vs. State of Tamil Nadu, Represented by its Principal Secretary, Home Department and Others* reported in 2023 SCC On Line Mad 5000, reads as follows :

8. From the remarks made by the appellant at the time of submitting his online application and thereafter in the police verification roll, it could be seen that the appellant has suppressed his involvement in the criminal case, which of course, ended in his favour by acquittal by giving the benefit of doubt in favour of the appellant. The appellant has not only suppressed his involvement in the criminal case, but also failed to establish his suitability.

9. The Full Bench of this Court in Manikandan v. Chairman, Tamil Nadu Uniformed Services Recruitment Board, (2008) 2 CTC 97, has considered suppression as fatal in certain cases. The observation of the Full Bench in paragraph 35 of the said judgment reads as follows:—

“Thus the above latest decision of the Apex Court has cleared the cloud of suspicion on the issue. Therefore we hold that the failure of a person to disclose his



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involvement in a criminal case, at the earliest point of time, when the application form is filled up, is fatal. His subsequent disclosure, whether before acquittal or after acquittal, will not cure the defect. In any case, the subsequent disclosure may not have any effect upon his selection, since his case will then fall under any one of the 2 Explanations under clause (iv) of Rule 14(b) and make him ineligible for the current selection or for all future selection depending on whether the acquittal is honorable or otherwise.”

5. The learned counsel for the respondent reiterated the averment made in the Writ petition contended that the order passed by the learned Single Judge is proper and does not warrant any interference by this Court. It was further submitted that petitioner has been acquitted of all the charges and he is entitled to appointment to the post. Hence, prayed that Writ Appeal be dismissed.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. The writ petitioner is an applicant to the advertisement for common recruitment for the post of Grade-II Police Constable (Armed Reserve, Tamil Nadu Special Force) Jail Warden and Firemen in the Tamil Nadu Uniformed Services Recruitment for the year 2020. The petitioner prior to his appointment was involved in two criminal cases, out of which one case in Crime No.78 of 2015 was closed on the ground that it was time barred as the police officials not filed the charge sheet within the time stipulated and it was closed. In another criminal case Crime No.976 of 2017 he was acquitted. The Judicial Magistrate in his judgment in C.C.No.189 of 2018 has clearly discussed in paragraph No.8 that the material witnesses P.W.1 to P.W.4 did not support the prosecution case and they had turned hostile. Therefore, in paragraph No.10 of the judgement contended that the Investigation Officer and other officials had spoken about the crime, since eyewitness to the occurrence turned hostile, the prosecution failed to establish the case against the accused and consequently, the petitioner was accused and not on the ground that there is no merit in the case.

8. Further, in the application submitted by the petitioner



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which is found in page No.44 of the typed set of papers in the column requiring 'additional detail as to where any criminal case has been filed against him, the petitioner answered 'no'.' The petitioner disclosed the details of the criminal cases against him, only at the time when he was called for a medical test, which was admitted by the petitioner.

9. In the Tamil Nadu Special Police Subordinate Service Rules, 1978, Rule 14(b) reads as follows :

(b) No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority that.

(i) that he is sound health, active habits and free from any bodily defect or infirmity unfitting him for such service and

(ii) that his character and antecedents are such as to qualify him for such service and

(iii) that such a person does not have more than one wife living and

(iv) that he has not involved in any criminal case before police verification.

Explanation (1): A person who is acquitted for discharged on benefit of doubt or due to the fact that the complainant turned hostile shall be treated as a person



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Involved in a criminal case.

10. The learned counsel for the appellants filed catena of judgments in which, the Full Bench Judgment of this Court rendered in ***Manikandan Vs. Chairman USRB*** reported in **2008(2) CTC – 97**, it was held that :

“Tamil Nadu Special Police Subordinate Service Rules, 1978, Rule 14(b) Explanation 1 & 2 - Failure by applicant to disclose his involvement In Criminal Case at earliest point of time when Application is filled up is incurable and fatal Applicant cannot cure it by way of subsequent disclosure - Subsequent disclosure will bring case within ambit of Explanation 2 and he would ineligible for current selection or for all future selections depending on whether acquittal is honourable or otherwise.

Thus the above latest decision of the Apex Court has cleared the cloud of suspicion on the issue. Therefore we hold that the failure of a person to disclose his involvement in a Criminal Case, at the earliest point of time, when the Application form is filled up. is fatal. His subsequent disclosure, whether before acquittal or after acquittal, will not cure the defect. In any case, the subsequent disclosure may not have any effect upon his selection, since his case



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will then fall under any one of the 2 Explanations under Clause (iv) of Rule 14(b) and make him ineligible for the current selection or for all future (Para 351 selection depending on whether the acquittal is honorable or otherwise.”

11. In ***J. Alex Ponseelan vs. Director General of Police***, reported in **(2014) 2 CTC 337**, reads as follows :

“103. At this juncture, it is apposite to look into Paragraph-35 of the Judgment rendered in Commissioner of Police, New Delhi v. Mehar Singh, (2013) 7 SCC 685, wherein it is stated like thus:

“The Police force is a Disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the Police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having Criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the Criminal case, that Acquittal or Discharge Order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a



threat to the discipline of the Police force.”

104. A cursory look of the observation made by the Hon'ble Apex Court would clearly go to show that Police force is a disciplined force, wherein a person, who is having utmost rectitude, is eligible for recruitment. The person, who has involved in Criminal case, is totally unfit for such recruitment.

105. Since the observation made by the Hon'ble Apex Court in Mehar Singh's case is similar to the object of Explanations 1 & 2 of Rule 14(b)(iv) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, it is needless to say that the same should be held as intra vires. Further in view of the discussion made earlier, the law laid down in Manikandan's case, 2008 (2) CTC 97 rendered by the Full Bench of this Court, still holds field and the same need not be overruled as the Special Leave Petitions have been dismissed holding as follows:

“No ground is made out for our interference with the impugned Judgment. The Special Leave Petitions are dismissed accordingly.”

106. It has become shunless to say that Clause IV of Rule 14(b), together with Explanations 1 & 2 have been introduced only for the purpose of recruiting persons, who are having rectitude and not persons involved in Criminal case (s). The Government of Tamil Nadu have introduced



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the same with utmost summum bonum for the purpose of maintaining a disciplined Police force. Since Clause IV of Rule 14(b), and its Explanations 1 & 2 have been introduced with utmost good faith, nobody is entitled to have a furtive look upon it."

12. Therefore, the order of the learned Single Judge holding that the petitioner disclosed the pendency of criminal cases in his application as well as during police verification and also placing Reliance upon clause 7(b) and 8(i) of the guidelines to conclude that a candidate who has been honourably acquitted is entitled to be considered for appointment to the post of Grade II Police Constables, is unsustainable in view of the provisions contained in the Tamil Nadu Special Police Subordinate Service Rules, 1978, particularly, Rule 14(b) (1) and the catena of judgments referred to Supra, it is settled that where a person is acquitted on the ground of benefit of doubt, such acquittal cannot be construed as honourable acquittal, and the candidate would still be considered as having criminal antecedents which the appointing authority is entitled to take into account while assessing his suitability for appointment.



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13. Further, this Court has only limited scope of interference with the decision of the appointing authority in matters relating to assessment of suitability for appointment. Hence, we hold that the impugned order, dated 12.01.2022 is hereby confirmed and accordingly, the order of the learned Single Judge is liable to be set aside.

14. The learned counsel appearing for the respondent prayed that respondent may be permitted to attend interview in the event his call for any future recruitment. This Court of the view that there is no bar for the respondent to apply for any post in future, if he is otherwise eligible and not disqualified under the relevant rules.

15. Accordingly, this Writ Appeal is allowed and the order of the learned Single Judge dated 26.08.2022 passed in W.P.(MD) No.13097 of 2022 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) & (R.P., J.)
23.03.2026

Index : Yes / No
NCC : Yes / No
RM

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