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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 20.02.2026

Pronounced on : 28.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.23734 of 2013
and W.P.No.9664 of 2014
and WP.No.12759 of 2016
and
W.M.P.Nos.11159 & 11160 of 2016
and W.M.P.No.8525 of 2025
and M.P.Nos.1 & 2 of 2013 & 3 of 2014

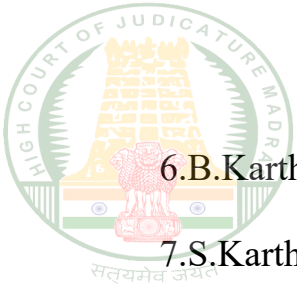
W.P.No. 23734 of 2013:

N.Bharathirajan

.. Petitioner

vs

- 1.The High Court of Madras,
Rep. By its Registrar General,
High Court, Chennai – 600 104.
- 2.The Selection Committee for District Judge – entry level 2013
High Court, Chennai – 600 104.
- 3.The Secretary to Government of Tamil Nadu
Public (Special A) Department,
Secretariat, Chennai – 600 009.
- 4.D.Lingeswaran
- 5.T.Senthilkumar
(deleted as per order dated 7.3.14
by NPVJ & MSNJ in MP 1&2/14
in WP 23734/13)



6.B.Karthikeyan

7.S.Karthikeyan

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8.A.Deepthi Arivunithi

9.S.Arulmurugan

10.B.Murugesan

11.N.Gunasekaran

12.N.Logeswaran

13.S.Selvasundari

14.C.Sanjaibaba

15.R.Shanmugasundaram

16.M.Christopher

17.K.Dhanasekaran

18.M.N.Senthilkumar

19.M.Shanthi

20.M.Sumathi Sai Priya

21.J.Juliet Pushpa

22.J.A.Kokila

23.G.Vijaya

24.S.Sameena

25.M.K.Jamuna

26.Abdul Khader

27.P.Mathusuthanan



(R26, R27 impleaded as per
order dated 7.3.14 by NPVJ & MSNJ
in MP Nos. 1 & 2/14 in WP 23734/13)

.. Respondents

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Prayer in W.P.No. 23734 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records on the file of the respondents 1 and 2 in respect of Provisional Selection list of candidates to the post of District Judge (Entry Level) 2013 published in High Court's Website dated 06.08.2013, and quash the same.

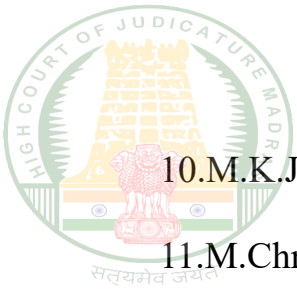
W.P.No. 12759 of 2016

A.Kannan

.. Petitioner

vs

- 1.The Government of Tamil Nadu
Rep. By its Secretary,
Public (Special A) Department,
Secretariat, Chennai – 600 009.
- 2.The High Court of Madras,
Rep. By its Registrar General,
High Court, Chennai – 600 104.
- 3.The Secretary to Government of Tamil Nadu
Public (Special A) Department,
Secretariat, Chennai – 600 009.
- 4.The Principal Secretary to His Excellency
Governor of Tamilnadu State,
Governor's Secretariat,
Raj Bhawan, Guindy,
Chennai – 600 022.
- 5.J.Juliet Pushpa
- 6.S.Selvasundari
- 7.R.Shanmugasundaram
- 8.D.Lingeswaran
- 9.N.Logeswaran



10.M.K.Jamuna

11.M.Christopher

12.B.Karthikeyan

13.G.Vijaya

14.S.Karthikeyan

15.S.Arulmurugan

16.M.Shanthi

17.J.A.Kokila

18.A.Deepthi Arivunithi

19.P.Mathusuthanan

20.S.Murugesan

21.K.Dhanasekaran

22.Abdul Kadhar

23.C.Sanjaibaba

24.N.Gunasekaran

25.M.N.Senthilkumaran

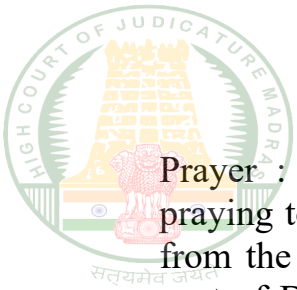
26.M.Sumathi Sai Priya

27.S.Sameena

28.The State, Inspector of Police,
B4 – High Court Police Station,
Chennai.

*(R28 suo motu impleaded
vide order dated 03.02.2026
made in WP 12759/2016 by ASMJ, MSKJ)*

.. Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the entire records from the 2nd respondent in connection with the selection of candidates for the post of District Judges (Entry Level) 2013 as published in the web site of the High Court of Madras on 06.08.2013 and from the 1st respondent relating to the issue of G.O.Ms:No.5 Public (Special – A) Department dated 02.01.2014 and quash the same and all consequential proceedings issued pursuant to the same and consequently redraw the selection list by conducting afresh the viva voce in accordance with law viz., independently verifying the criminal antecedents of the candidates, 7 years practice by the candidates, by video graphing the viva voce and publishing the interview marks to each to each candidate the moment the viva voce for him is over, etc., and publish the selection list with sex, communal rotation, turn, community and the marks obtained separately for written examination and Viva voce for each candidate and appoint them accordingly to the post of District Judge.

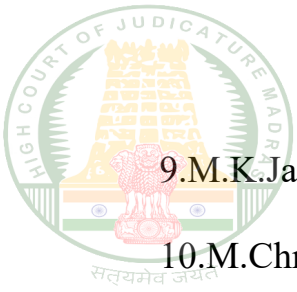
W.P.No. 9664 of 2014

N.Bharathirajan

.. Petitioner

vs

- 1.The Secretary to Government of Tamil Nadu
Public (Special A) Department,
Secretariat, Chennai – 600 009.
- 2.The High Court of Madras,
rep by its Registrar General,
High Court, Chennai – 600 104.
- 3.The Selection Committee for District Judge -
entry level 2013, High Court,
Chennai – 600 104.
- 4.J.Juliet Pushpa
- 5.S.Selvasundari
- 6.R.Shanmugasundaram
- 7.D.Lingeswaran
- 8.N.Logeswaran



9.M.K.Jamuna

10.M.Christopher

11.B.Karthikeyan

12.G.Vijaya

13.S.Karthikeyan

14.S.Arulmurugan

15.M.Shanthi

16.J.A.Kokila

17.A.Deepthi Arivunithi

18.P.Mathusuthanan

19.B.Murugesan

20.K.Dhanasekaran

21.Abdul Khader

22.C.Sanjaibaba

23.N.Gunasekaran

24.M.N.Senthilkumaran

25.M.Sumathi Sai Priya

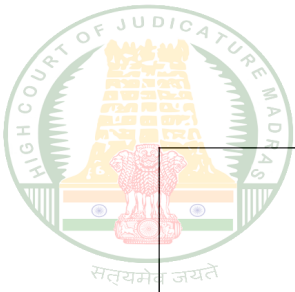
26.S.Sameena

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to call for the records on the file of the 1st respondent in respect of the notification dated 22.01.2014 in proceedings No.1/PUSP/4/2014, G.O.Ms.No.5, Public (Special A) Department dated 02.01.2014 and order No.5/Public (Special A) dated 02.01.2014, all connected and pertaining to the appointment of the respondents 4 to 26 as District Judges (Entry Level) by issuing a writ of certiorari or such other writ or direction and quash the said notifications.



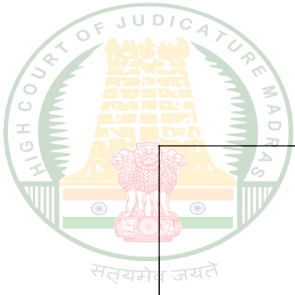
Writ Number	Petition For Petitioners	For Respondents
23734 of 2013	Mr.R.Subramanian for Mr.K.S.Gnanasambandan	Mr.P.K.Rajagopal for R1, R2 Mr.G.Raam Vijay for R20 Mr.R.Bhagath Singh for R27 Mr.S.Rajendra Kumar for M/s Nortan& Grant for R4 Mr.Om Prakash, Senior Counsel for Mr.Suresh for R6, 7, 14, 17, 18 & 24 Mr.R.Venkatavarathan for R15 Mr.P.Anandakumar Government Advocate for R3 R5 deleted as per order dated 07.03.2014 No appearance – R6 to R11 and R14
9664 of 2014	Mr.R.Subramanian for Mr.K.S.Gnanasambandan	Mr.P.K.Rajagopal for R1, R2 Mr.G.Raam Vijay for R25 Mr.R.Bhagath Singh for R18



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		<p>Mr.S.Rajendra Kumar for M/s Nortan& Grant for R7</p> <p>Mr.Om Prakash, Senior Counsel for Mr.Suresh for R11,13,20,22,24 & 26</p> <p>Mr.T.Mohan Senior Counsel for Mr.J.Antony Jesus for R21</p> <p>Mr.R.Venkatavarathan for R6</p> <p>Mr.P.Anandakumar Government Advocate for R1</p> <p>Mrs.Vedavalli Kumar for R4</p> <p>Mrs.V.Srimathi for R5</p> <p>No appearance for R8, R9, R10, R12, R14, R17, R19, R23</p>
12759 of 2016	<p>Mr.N.Subramaniam assisted by Mr.L.Sathiyaraj& Mr.J.K.Prabhakaran</p>	<p>Mr.P.M.Subramanian Senior Counsel for Mr.G.K.Kumaresan for R2, R3</p> <p>Mr.C.K.Chandrasekar for R15,R16</p> <p>Mr.R.Ravindran for R9</p> <p>Mr.G.Raam Vijay</p>



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		<p>for R26</p> <p>Mr.R.Bhagath Singh for R19</p> <p>Mr.S.Rajendra Kumar for M/s Nortan& Grant for R8</p> <p>Mr.S.Subbiah, Senior Counsel for Mr.P.Raja for R18</p> <p>Mr.Om Prakash, Senior Counsel for Mr.Suresh for R12,14,21,23,25 & 27</p> <p>Mr.T.Mohan Senior Counsel for Mr.J.Antony Jesus for R22</p> <p>Mr.R.Venkatavarathan for R7</p> <p>Mr.B.Srinivasan for R17</p> <p>Mr.P.Anandakumar Government Advocate for 1,4 and 28</p> <p>Ms.P.T.Ramadevi for R20</p>
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COMMON ORDER

PER BENCH.

A common order is passed in these matters, since the cause of action in all three writ petitions is as against the selection of 23 candidates to the post of District Judge (Entry Level) pursuant to Notification dated 02.05.2013. These Writ Petitions have been instituted in the years 2013, 2014 and 2016, and have been posted before several Benches over the years. They are now before us as Specially Ordered matters. The successful candidates were appointed to the post of District Judge (Entry Level) under G.O.Ms.No.5, Public (Special A) Department dated 02.01.2014. They have been in office thereafter till date.

2. Mr.N.Bharathirajan has filed W.P.No.23734 of 2013 and W.P.No.9664 of 2014 and Mr.A.Kannan has filed W.P.No.12759 of 2016. They were both aspirants to the post of District Judge (Entry Level), having completed their B.L. degrees in the year 2005 and 2000 respectively.

3. The submissions of the learned counsel for the petitioners are as follows, and the parties are referred to herein as per their array in W.P.No.12759 of 2016.

4. The Public Department of the Chennai Secretariat had issued a Notification on 02.05.2013 (2013 Notification) calling for applications from eligible candidates for the post of 23 District Judges (Entry Level). Both the



petitioners had responded to the Notification and participated in the selection process.

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5. The process for selection comprised of a written examination that was held on 06.07.2013, followed by viva voce. On account of their performance in the viva voce, the petitioners' overall rank had been reduced substantially when compared with the rank that they had obtained based on the written examination alone.

6. Neither of their names figured in the selection list that was published on 06.08.2013 and ultimately the successful candidates had been appointed as District Judges (Entry Level) under G.O.Ms.No.5, Public (Special A) Department dated 02.01.2014 (2014 G.O.).

7. In the Writ Petitions filed by Mr.N.Bharathirajan, he is aggrieved by the procedure followed by the Selection Committee in awarding marks in the viva voce and alleges that the selection process was not carried out in a proper or transparent manner.

8. In fact, W.P.No.9664 of 2014 had been filed by him since no interim protection was obtained in W.P.No.23734 of 2013, which had challenged only the provisional selection list that had ultimately culminated in the 2014 G.O. under which 23 successful candidates had been appointed as District Judges (Entry Level).

9. In W.P.No.9664 of 2014, he reiterates the grounds of challenge in W.P.No.23734 of 2013 to the effect that the selection process had vested



excessive powers in the Selection Committee that could, based on the marks awarded in viva voce, decide the ranking of the candidates at their discretion.

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10. Mr.A.Kannan, petitioner in W.P.No.12759 of 2016 has made specific allegations in regard to eligibility of four of the respondents. In fact, while all 23 of the successful District Judges have been arrayed as respondents (R5 to R27), the writ affidavit has elaborated on specific allegations only against 4 respondents, viz., Mr.D.Lingeswaran/R8, Ms.A.Deepthi Arivunithi/R18, Mr.Abdul Kadhar/R22 and Ms.Sameena/R27.

11. Even in the course of the hearing before us, there are no allegations as against the other successful candidates except to state that they are beneficiaries of the tainted selection process that vitiates all their appointments.

12. Thus, barring the candidates in W.P.No.12759 of 2016 as against whom specific allegations have been made, we are wholly disinclined to consider the challenge to the appointment of the remaining respondents. Our reasons are as follows.

13. The selection process had commenced with the constitution of a Selection Committee by the then Hon'ble The Chief Justice, comprising three senior Hon'ble Judges of the Court ('Selection Committee'). The candidates have appeared for a written examination and have been marked on the basis of their answers. The viva voce was thereafter conducted by the Selection Committee.



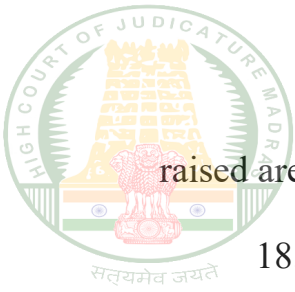
14. The marks secured by the petitioners in the selection process and interview are tabulated below:

Name (col 1)	Marks out of 150 (col 2)	Rank after written test (col 3)	Exam mark (out of 75) (col 4)	Marks in Viva voce (on 25) (col 5)	Total for 100 (co. 6)	Rank in final merit list (col 6)
Mr.N.Bharathirajan	65.25	26	32.63	5	37.63	67
Mr.A.Kannan	66.5	20	33.25	4	37.25	73

15. The petitioners have argued, relying on certain decisions, that the selected candidates have made it to the selection list solely by virtue of their performance in the viva voce. As far as Mr.Bharathidasan is concerned, he was placed at serial number 26, and Mr.Kannan was placed at serial number 20 of the merit list, published post written examination.

16. Subsequent to the interview, they were placed at serial numbers 67 and 73 respectively, and this was wholly on account of the poor marks obtained by them in the viva voce. While some general assertions have been made in regard to the nature of questions put to them in the viva voce, we do not find any provocation or justification to intervene on that score.

17. Once a Selection Committee has been formed to undertake the process of assessment and selection of candidates, their discretion is normally not liable to be interfered with unless serious and very valid concerns are raised. We do not, in the present matter, find any such justification as the grievances



raised are vague and general in nature.

18. The selection of the judges is normally entrusted to senior judges who address the process in right earnest following the procedure outlined for such selection. The question papers and questions for the viva voce are set after great effort and discussion, in order to ensure that the best candidates are selection from out of the aspirants.

19. It is not for the unsuccessful candidates, after having participated in the selection, to disparage the process followed without assigning any concrete reasons or justification for their objections. In the present case, the grievances put forth by the petitioners do not indicate any concerns, let alone valid concerns as regards the selection of the private respondents barring those as against whom specific allegations have been laid, and that we will address separately.

20. R2 & R3 have relied upon the following cases:

- (i) *K.Appadurai v. The Secretary to Government, Public (Special A) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 and another*¹
- (ii) *P.Senthil Kumaran and others v The Registrar General, High Court, Madras and others*² confirmed in,
- (iii) *P.Senthil Kumaran v Registrar General, High Court, Madras & Ors*³

Respondents R12, R14, R21, R23, R25 & R27 rely upon the following cases:

1. Chairman/Managing Director, Uttar Pradesh Power Corporation

¹WP No. 16383 of 2010 etc batch dated 26.08.2010 : 2010 (5) CTC 1

² WP No. 3087 of 2011 etc batch dated 11.03.2011

³ S.L.P (C)No. 12117 of 2011 dated 05.07.2013



*Limited and Others v. Ram Gopal*⁴

*2.State of Uttar Pradesh and Others v. Arvind Kumar Srivastava and Others*⁵

*3.State of Jammu and Kashmir v. R.K.Zalpuri and Others*⁶

*4.Vishal Ashok Thorat and Others v. Rajesh Shrirambapu Fate and Others*⁷

R7 relies upon:

*1.A.Kannan v. The State of Tamil Nadu, rep. by its Home Secretary, Secretariat, Chennai 600 009*⁸

*2.A.Kannan v. The State of Tamilnadu, Rep. by its Chief Secretary, Secretariat, Chennai 600 009*⁹

21. In the above circumstances, we see absolutely no merit as far as W.P.Nos.23734 of 2013 and 9664 of 2014 are concerned and dismiss the same.

We are also of the considered view that the petitioner in W.P.No.12759 of 2016 also has made out no case to even maintain the Writ Petition as against R5 to R27, barring R8, R18, R22 and R27 whose cases we address separately.

22. There are no averments in regard to the other private respondents, and only general grievances and vague complaints levelled as against the process for selection. We hence, dismiss W.P.No.12759 of 2016 as against R5 to R7, R9 to R17, R19 to R21 and R23 to R26 as not maintainable.

23. The specific allegations raised by the petitioner in W.P.12759 of 2016 are of three kinds – as against R18 and R27 assailing their lack of requisite judicial experience, as against R8, for suppression and deliberate concealment

⁴ (2021) 13 SCC 225

⁵ (2015) 1 SCC 347

⁶ (2015) 15 SCC 602

⁷ (2020) 18 SCC 673

⁸ WP(MD)No.24651 of 2018 dated 22.07.2019 (Madurai Bench of Madras High Court)

⁹ WP(MD)No.9830 of 2021 dated 16.06.2021 (Madurai Bench of Madras High Court)



of criminal and civil antecedents, and as against R22, for suppression and deliberate concealment of criminal antecedents.

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24. As far as R27 is concerned, writ affidavit dated 31.03.2016 filed initially contained no specific allegations, and it is only recently that the petitioner, vide an additional affidavit dated 22.04.2025, put forth specific allegations as against her. The respondents have objected to the additional affidavit, calling it belated, and urging that the petitioner should not be permitted to take his own sweet time to formulate a case as against the respondents.

25. Having considered the rival contentions on this aspect, we decide that we would rather proceed with the matter on the merits of the allegations, rather than dwell on the technicalities of whether the Writ Petition is maintainable or not. Since serious allegations have been raised, and in the interests of the Institution, we would prefer to deal with them one way or other, on the merits thereof.

26. The respondents have also questioned the maintainability of the writ petition, arguing that the selection of year 2013 has been challenged only in 2016. According to the petitioner, he had taken some time to obtain the relevant information to support the allegations of concealment of material facts in the applications filed and that is what had led to the delay. In light of the issue involved, and as the matter has been pending before the Court since 2016



onwards, we are not inclined to let technical considerations stand in the way of substantial justice.

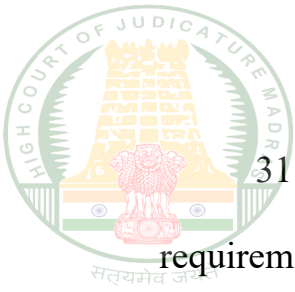
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27. The 2013 Notification invites applications for direct recruitment of District Judges (Entry Level) and prescribes eligibility criteria under clause (3) thereof. According to the petitioners, neither R18 nor R27 satisfy condition 3(ii) which requires that the applicant should have been practising on the date of Notification as an Advocate and must have so practiced for a period not less than seven years as on such date.

28. Various documents have been produced, both in the cases of R18 and R27 to state that they did not have a practice worthy of its name, had filed vakalat in very few matters, were not regular in the attendance of Courts and hence, in summary, did not satisfy the condition of seven years practice.

29. For their part, both R18 and R27 aver that they were very much in practice for the requisite period as stipulated under the Notification. In fact, the Notification had required the production of a certificate from the Presiding Officer of the Court that they regularly attended, to establish the condition of practice, and such certificates have been duly produced by them.

30. In the case of R18, she has additionally produced an affidavit from Mrs.Sudha Ramalingam with whom she had been practicing, and who has attested to not just the tenure of her practice, but also the quality of the same. Hence, R18 and R27 would argue that there is absolutely no merit in the allegations of the petitioner.



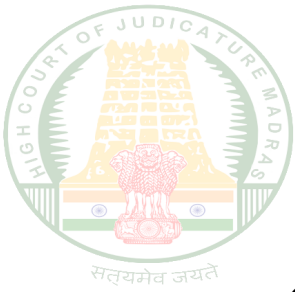
31. R2, the Registrar General of this Court has submitted that the only requirement under the Notification is for a practice of seven years and this is to be established by the production of certificate attesting to the length of their practice. The Certificates have been duly produced by the candidates.

32. That apart, the 2013 Notification does not provide any qualitative or other categorization of their practice. Hence the selection of R18 and R27 is perfectly in order. In fact, vide subsequent Circulars, the High Court has also amplified the requirements on this aspect, to establish both the breadth and width of the practice of an aspirant to the post of a District Judge.

33. We have heard all parties. The 2013 Notification sets out the eligibility criteria to be satisfied by the aspirants for their selection to the post of District Judge (Entry Level). One of the conditions is that the applicant must be practising on the date of Notification as an Advocate and must have so practised for a period not less than seven years as on that date.

34. To establish their eligibility on this score, the applicant should, if she were practising as an Advocate or Pleader, produce from the Presiding Officer of the Court in which she was actually practising, a certificate indicating the length of her practice. The requirement of this supporting document is set out under clause (6) of the 2013 Notification.

35. Both R18 and R27 have produced certificates in the format as provided for in the Notification. The certificate filed by R18 (taken as indicative of both cases), reads as follows:



Date:29.05.2013

EXPERIENCE CERTIFICATE

Certified that Mrs.DEEPETHI ARIVUNITHI Advocate (Roll No.MS.1439/2004), is practicing as Advocate in this Court for 8 Years.

Sd/-

*I Additional Principal Judge
Family Court, Chennai – 600 104*

36. R18 has relied upon the following cases:

1.M.Radhakrishnan v. Union of India, rep. by the Secretary to the Government of India, Ministry of Law and Justice (Department of Justice) and Others¹⁰

2.A.Kannan v. The State of Tamilnadu, Rep. by its Chief Secretary, Secretariat, Chennai 600 009¹¹

37. As the respondents rightly contend, there is no requirement under the 2013 Notification, except a certificate from the Presiding Officer of the Court in which the candidate is actually practising, and attesting to the duration of her practice.

38. Ideally, there should be some amplification of this requirement, in that, a mere certificate would not suffice to reveal the experience of the candidate. The Certificate must be accompanied by other, supporting materials, illustrating and attesting to the quality of the practice engaged in, and the experience gained.

39. In fact, the High Court, while issuing Notification No.1 of 2023 dated 01.07.2023, for direct recruitment for the post of District Judge (Entry level),

¹⁰ (2018) 5 MLJ 513

¹¹ WP(MD)No.9830 of 2021 dated 16.06.2021 (Madurai Bench of Madras High Court)



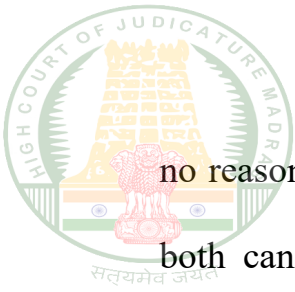
has revised the Educational and other qualifications when compared with Notification issued in 2013.

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40. In any event, as we are, in this case, concerned with the 2013 Notification only, we are required solely to ensure that the candidates had complied with the conditions thereunder. The requirement under that Notification to establish the criterion of 'experience' is a certificate from the Presiding Officer of the Court where they had normally practiced. This, both R18 and R27, have produced, and the petitioner admits both the production and genuineness of the documents. No other material is called for in this regard under the Notification, and to seek additional material in 2016, two years after the appointment of R18 and R27 when they have been in service for the intervening period is not proper or practical, especially when it is the same condition that applied to the petitioner as well.

41. Incidentally, Ms.A.Deepthi Arivunithi has gone the extra mile, and filed an additional counter along with compilation dated 01.12.2025 containing 20 documents including affidavit dated 28.11.2025 of Mrs.Sudha Ramalingam, attesting to the valuable assistance provided by R18 in her chambers. R18 has additionally provided copies of nine orders in matters where she has appeared, legal notices issued by her and case status of matters where she had been appearing.

42. Though the petitioner has, via his rejoinder questioned the sufficiency of the documents to attest to the independent practice of the candidate, we see



no reason to entertain this plea any longer in light of the admitted position that both candidates have satisfied the requirement of the Notification in full in regard to this aspect.

43. As far as R27 is concerned, an additional point taken by the petitioner relates to the contents of the police enquiry report dated 18.10.2023, wherein the police officials have stated, on investigation, that R27 has been residing at Thiruvananthapuram with her sister since 2008, and though a member of the Bar Association, Nagercoil, has not been practicing in the recent past. This has led the petitioner to infer that R27 was not in regular practise.

44. Vide communication dated 17.10.2013, the then Registrar General of this Court has replied to communication dated 08.10.013 stating that as far as R27 is concerned, she had disclosed certain civil disputes in her application. The Selection Committee had been aware of the pendency of the litigation and have taken a conscious decision that those disputes would not be a bar for her selection. The details of the litigation have been set out both in the application of R27 and in the letter of the Registrar General.

45. That apart, the notes of the Selection Committee that are part of the records and that have been placed before us also contain reference to the litigation on account of which R27 was staying in Tiruvananthapuram. Evidently, there was nothing in the police report to justify the observation that she had not been practicing and in any event, all that material has been duly taken into account by the Selection Committee.



46. The process of selection has been undertaken by a Selection Committee comprising three senior Judges of this Court and the candidates have produced requisite documents to attest to their eligibility and qualifications. All relevant material in this regard has been placed before the Selection Committee. Hence we see no cause to intervene and W.P.No.12759 of 2016 is dismissed as against R18 and R27.

47. The petitioner has furnished a tabulation of the eligibility criteria under the 2023 District Judge Notification pointing to certain deficiencies in the stipulation of criteria, based upon several judgments of the Supreme Court. Conscious that this is not a PIL, we direct R2 to place the suggestions before the appropriate Committee for their consideration as deemed appropriate by the Committee, in ensuing selections, as and when they arise.

48. We now proceed to decide the challenge as against the appointments of R8 and R22. Learned counsel for the petitioner sets out the arguments in the following terms. Both R8 and R22 are lawyers enrolled on the rolls of the Bar Council of Tamil Nadu.

49. According to the petitioner, both R8 and 22 have suppressed their criminal antecedents. In addition, R8 has not disclosed civil litigation in which he was involved. This amounts to provision of false information/verification in the application form, and as a sequitur, renders them ineligible to hold the posts to which they have been appointed.

50. The application form submitted by the candidates contain three



specific questions, at serial Nos. 14, 15, and 16, that require them to make a full and true disclosure in regard to the civil and criminal litigation/charges that had been laid against them, whether closed or pending. Both R8 and 22 have answered all three questions in the negative.

51. As regards R8, the petitioner has obtained information that an FIR in Crime No.16 of 2004 had been laid against him that had culminated in filing of charge sheet in C.C.No.9617 of 2005 on the file of 7th Metropolitan Magistrate Court, George Town, Chennai. The crimes alleged were in terms of Sections 147, 341 and 323 IPC. There was no disclosure in regard to this case. In addition, R8 had also not disclosed the pendency of OS.No.423 of 2012 on the file of District Munsif, Valliyur where R8 had been arrayed as the ninth defendant

52. The Petitioner argues that R8 had deliberately suppressed the pendency of both the criminal and civil case and had furnished a wrong address in his application to thwart the police investigation. Since he was a committee member of the Bar Association that had been involved in the altercation leading to the criminal case, it was inconceivable that he did not have knowledge of the matter. Hence, such non-disclosure was deliberate and fatal to his application.

53. Learned counsel for the petitioner relies on the following cases in support of his arguments:

*1.Ashok Kumar Yadav and Others v. State of Haryana and Others*¹²

¹² (1985) 4 SCC 417



2. *A.V.Papayya Sastry and Others. v. Government of A.P. and Others*¹³
3. *Manikandan v. The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai and Others*¹⁴
4. *District Primary School Council, West Bengal v. Mritunjoy Das and Others*¹⁵
5. *M.Manohar Reddy and Another v. Union of India and Others*¹⁶
6. *Devendra Kumar v. State of Uttaranchal and Others*¹⁷
7. *Avtar Singh v. Union of India and Others*¹⁸
8. *Pranav Verma and Others v. Registrar General of the High Court of Punjab and Haryana at Chandigarh and Another*¹⁹
9. *Pranav Verma and Others v. Registrar General of the High Court of Punjab and Haryana at Chandigarh and Another*²⁰
10. *Pranav Verma and Others v. Registrar General of the High Court of Punjab and Haryana at Chandigarh and Another*²¹
11. *K.Raja and Others v. Additional Chief Secretary to Government and Others*²²
12. *R.Kanagaraj and Others v. S.Swarna and Others*²³
13. *The Government of Tamil Nadu etc. v. K.Sriraman and Others etc.*²⁴
14. *State of Punjab v. Salil Sabhlok & Others*²⁵
15. *Madan Mohan Choudhary v. State of Bihar and Others*²⁶
16. *Deepak Aggarwal v. Keshav Kaushik and Others*²⁷
17. *S.D.Joshi & Others v. High Court of Judicature at Bombay & others*²⁸
18. *Padma Sundara Rao (Dead) and Others v. State of Tamil Nadu and others*²⁹
19. *Brigadier Nalin Kumar Bhatia v. Union of India and Others*³⁰
20. *Moon Mills Ltd. v. M.R.Meher, President, Industrial Court, Bombay*

¹³ (2007) 4 SCC 221

¹⁴ 2008-2-L.W. 106

¹⁵ (2011) 15 SCC 111

¹⁶ (2013) 3 SCC 99

¹⁷ (2013) 9 SCC 363

¹⁸ (2016) 8 SCC 471

¹⁹ 2019 SCC OnLine SC 1702

²⁰ (2020) 15 SCC 377

²¹ (2020) 15 SCC 396

²² (2019) SCC OnLine Mad 9129

²³ (2021) SCC OnLine Mad 15953

²⁴ SLP(C)Diary No.18737 of 2021 dated 07.08.2023

²⁵ (2013) 5 SCC 1

²⁶ (1999) 3 SCC 396

²⁷ (2013) 5 SCC 277

²⁸ (2011) 1 SCC 252

²⁹ (2002) 3 SCC 533

³⁰ (2020) 4 SCC 78



*and Others*³¹

21. *Olga Tellis and Others v. Bombay Municipal Corporation and Others*³²

22. *Basheshar Nath v. Commissioner of Income Tax*³³

23. *Behram Khurshid Pesikaka (III) v. State of Bombay*³⁴

24. *State of West Bengal v. Baisahakhi Bhattacharyya (Chatterjee) & Others*³⁵

25. *Joginder Pal and Others v. State of Punjab and Others*³⁶

26. *R. Vijiya Raj v. D. Gautham*³⁷

27. *Abhijit Dey v. The Learned West Bengal Administrative Tribunal and others*³⁸

28. *Ramesh Kumar v. High Court of Delhi and another*³⁹

29. *Ashok Kumar Yadav and others etc v. State of Haryana and another*⁴⁰

30. *Dr. J.P. Kulshreshtha and others v. Chancellor, Allahabad University and others*⁴¹

31. *Minor A. Periakaruppan v State of T.N and others*⁴²

54. Mr. Rajendra Kumar, learned counsel, who appears for M/s. Nortan and Grant, learned counsel for R8, takes the defence that R8 was wholly unaware of both pendency of the charge sheet and the Original Suit. Taking us in detail through the documents, learned senior counsel would argue that no summons had been served by either the Criminal or Civil Courts. There was hence no avenue for R8 to be aware of the proceedings and hence, he was not guilty of concealment.

³¹ AIR 1967 SC 1450

³² (1985) 3 SCC 545

³³ 1958 SCC OnLine SC 7

³⁴ (1954) 2 SCC 278

³⁵ 2025 SCC OnLine SC 719

³⁶ (2014) 6 SCC 644

³⁷ LAWS(MAD)-2020-8-40

³⁸ RVW No. 1987 of 2004 (Calcutta DB) dated 24.3.2006 : 2006 (6) SLR 499

³⁹ (2010) 3 SCC 104

⁴⁰ AIR 1987 SC 454

⁴¹ (1980) 3 SCC 418

⁴² AIR 1971 SC 2303



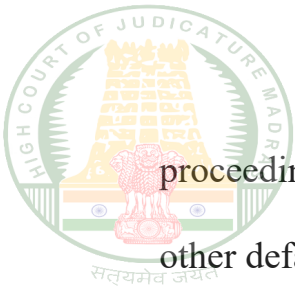
55. R8 relies upon an order passed by this Court in WP.No.23766 of 2014, wherein a challenge identical to the present had been rejected by the

Division Bench. As regard the address furnished in the application Form, it was the address where R8 had been residing at the relevant point in time.

56. We have heard the rival contentions carefully. We first consider the case of R8. It is true that in 2004, there had been an altercation between two factions of advocates leading to the filing of an FIR and laying of charges on various persons including R8. However, since the police enquiry had been conducted only at Tirunelveli, (the permanent address as supplied by R8 in the application), the police report had not revealed the criminal case as the charge sheet had been laid in another police station.

57. Thus, as on 06.08.2014 when the provisional selection list had been published, there was no adverse report by the police in regard to the criminal antecedents of R8. While so, one, K.Kathiresan had sought information from the High Court in regard to the applications filed by four individuals including R8 and R22, alleging that they had suppressed vital information in their applications, including their criminal antecedents.

58. The RTI application was rejected and an appeal was filed by him before the appellate authority. Aggrieved by the long pendency of the appeal, said K.Kathiresan moved W.P.(MD). No.5354 of 2015 seeking a mandamus directing the Tamil Nadu Information Commission to dispose his Right to Information appeal. In addition, he sought a direction to R2 to launch



proceedings as against the PIO for wilful failure to provide information and other defaults.

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59. The First Bench of this Court passed the following order on 11.06.2015:

- We have heard the learned counsel for the petitioner at length.*
- 2. In a nutshell, the learned counsel for the petitioner canvasses that qua candidates at S.Nos 3, 4, 6 and 18 at page nos. 75 and 76 of the additional typed set of papers – II, there are criminal cases pending, though he is unable to give the particulars thereof.*
- 3. On a perusal of the report filed by the Registrar General, we find that in the D.O. Letter issued by the Principal Secretary to the Government dated 08.10.2013, it has been stated that there is no mention of any such criminal cases.*
- 4. We are informed today that the relevant party is not the Ministry of Home, but the Public Department and thus, the relevant Department be substituted in the place of the Home Department and Memo of parties be amended accordingly.*
- 5. The fourth respondent may independently file an affidavit, confirming whether any criminal cases are pending on the relevant date or not qua these candidates.*
- 6. The other aspect pointed out by the learned counsel for the petitioner is that in respect of the candidate at S.No.4, there should be no difficulty on the issue of identity of the person, but the confusion has arisen. With regard to the address given while appearing for the examination, which is different from the address given to the State Bar Council, and which address is available in pursuance to the RTI information furnished to the petitioner, as referred to at page No. 64 of the index to additional typed set of papers II. He further submits that verification in this behalf can also be made.*
- 7. The affidavit be filed within 08.07.2017.*
- 8. Post on 10.07.2015*

60. It was only thereafter that the authorities launched an investigation into the matter. D.O. Letter No.1300/Spl.A/2015-2 came to be issued by the Principal Secretary to the Government to the Director General of Police on



27.11.2015 referring to the order passed on 11.06.2015, wherein the Court states that R8 had furnished different addresses, one to the Bar Council at the time of enrollment and the other with the application for appointment as District Judge.

61. The police were asked to verify whether the two addresses were correct and whether there were any criminal cases pending as against the four candidates including R8 and R22. The Report from the Director general of Police is dated 05.12.2015 and reads thus:

‘.....

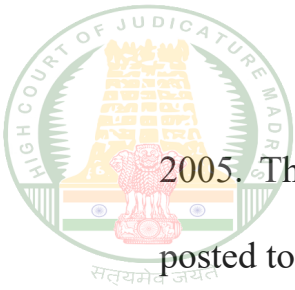
4. With regard to D.Lingeswaran, discreet enquiry revealed the following:-

i) He was residing in a rented house at Old No.7/21A, New No.918, Nethaji Nagar, Kottakarai, Gummidipoondi Taluk, Tiruvallur district during the year 2000-2009. His permanent address is No.1/136-1, Thoppu Street, Muthumothanmozhi (Thisaiyanvilai PS), Radhapuram Taluk, Tirunelveli district. The addresses are found to be genuine and he has not come to adverse notice in the local police station records in Tiruvallur and Tirunelveli districts.

ii) Later, he was residing in a rented house at No.8, Mahalakshmi Nagar, Perambur, Chennai during the year 2010 to 2013. Prior to that a case in B4 High Court PS Cr.No.16/2004, u/s 147, 341, 323 IPC r/w 149 IPC was registered against him and is pending in VII MM G.T.Court vide C.C.No.9617/2005. The case is posted to 31.12.2015 for the appearance of the accused.

iii) From the year 2014, he is residing in a rented house at No.44, J.J.Nagar, Tamil Nadu Housing Board Colony, Ariyalur and he has not come to adverse notice in Ariyalur district as on date.’

62. Thus it was only as per the direction of this Court that enquiry had been initiated, and that brought to note the case registered in B4 Police Station in Crime No.16 of 2004 under Sections 147, 341, 323 IPC r/w 149 IPC and pending in VII Metropolitan Magistrate, George Town Court in CC.No.9617 of



2005. The discreet enquiry report dated 05.12.2015 states that the case was posted to 31.12.2015 for the appearance of the accused.

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63. The Registry had issued an OM in ROC.No.206/2014/RG/B2 dated 11.11.2014 calling upon R8 to explain why he had not disclosed the pendency of the criminal case in his application. On 14.11.2014, R8 who was then a Trainee Judge, submitted an explanation stating that he was unaware of the case since he had not received any summons from the Court.

64. His explanation had been placed before the then Portfolio Judges who had minuted on 30.04.2015 and 12.05.2015 that, as a writ petition was pending, (the present writ petitions), no further action can be taken till the Writ Petition is disposed of. Their note reads, '*A writ petition is pending. Therefore, no further action can be taken till WP is disposed of*'. R8 has been in service for the last 11 plus years on the strength of the aforesaid administrative order.

65. Separately, RTI applications had been received over the years from individuals seeking information regarding the application of R8 for appointment as District Judge. The applications had been rejected and appeals filed. Representations had also been received periodically from individuals (dated 31.10.2015, 13.01.2016 and subsequent) including from one S.Selvakumar of Anahaputhur (complainant), alleging the involvement of R8 in criminal and civil litigation that they alleged, R8 had not disclosed. We will address the allegation in regard to civil litigation shortly.



66. As far as the criminal case is concerned, one, S.Venkateshwaran had instituted W.P.No.23766 of 2014 seeking a mandamus directing the name of R8 to be deleted from the selection list of District Judges (Entry Level). In that matter as well, the question was whether present R8 had deliberately suppressed the pendency of criminal case in Cr.No.16 of 2004 while submitting his application for District Judges (Entry Level).

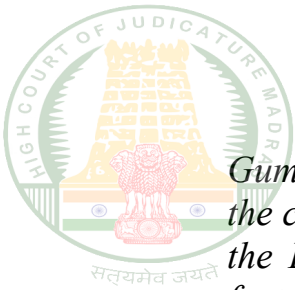
67. The Court, in *S.Venkateswaran V. Government of Tamil Nadu and four Others* (decision dated 28.07.2016) at paragraphs 13 to 15, noted the confirmation of the Station House Officer of B4 High Court Police Station that final report had been filed and summons was yet to be served on R8 in that matter.

68. At paragraph 15 of their order, the Bench states as follows:-

'15. It is very pertinent to point out at this juncture that no steps have been taken by the Investigating Officer either to arrest the accused pendency of the investigation or calling them for interrogation and therefore, in all probability the accused might not have been aware of the fact that they are arrayed as accused. Similarly, even after the Final Report is taken cognizance in CC.No.9617/2005, summons are yet to be served, on that ground also the accused are yet to be served. Therefore, concerned persons are not aware of the fact of being made as accused in the above cited case.

69. At paragraph 17 extracted below, the Bench renders a categorical finding that R8 has not deliberately suppressed the pendency of the criminal matters:-

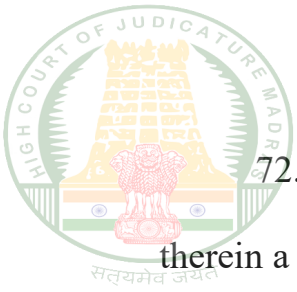
17. The learned counsel for the petitioner made a last reach attempt by submitting that the 4th respondent was residing at



Gummidipoondi and as such, he is very much aware of the pendency of the criminal case and in order to submit the application for selection as the District Judge [Entry Level], he had deliberately suppressed the fact by filling up Column Nos.14, 15 and 16. No doubt, as per the information furnished by the Bar Council of Tamil Nadu and Puducherry and the Headmaster of Government High School, Ponneri, the 4th respondent was residing at Gummidipoondi and the said information may not lead to the automatic reference that the 4th accused, namely, "Gummidipoondi Lingeswaran" is the 4th respondent himself. The Investigating Officer / Station House Officer of B-4 Police Station, High Court, Madras, while filing the Final Report, ought to have applied his mind and given proper description of the accused. But for the reasons best known to him, he has failed to do so and no steps appear to have been taken to call the said accused for interrogation or to arrest them. Therefore, this Court, in the light of the above facts and circumstances is of the view that the 4th respondent has not deliberately suppressed about the pendency of the criminal case said to be pending against him.'

70. Ultimately, CC.No.9617 of 2005 was withdrawn on 02.07.2017, and as far as that criminal case is concerned, relating to Cr.No.16 of 2004, there is a categorical finding in WP.No.23766 of 2014 that there is neither suppression nor non-disclosure by R8. No appeal has been filed by anyone aggrieved by that order and that finding has attained finality.

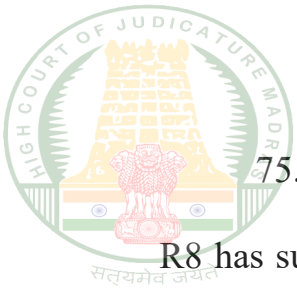
71. Some additional facts in regard to the criminal case have come to light in the course of hearing before us. There is yet another FIR in Cr.No. 26 of 2024, relating to the same incident which is the subject matter of Cr.No 16 of 2004, and CrI.OP.No.30329 of 2004 had been filed by one A.Mohan Das seeking transfer of Crime No.26 of 2004 pending on the file of B4 High Court Police Station to the Central Bureau of Investigation for proper enquiry.



72. We had called for the records of CrI.OP.No.30329 of 2004, and find therein a Miscellaneous Petition in CrI.M.P.No.10056 of 2004 filed by R8 seeking to intervene in CrI.O.P.No.30329 of 2004. The array of the petitioner in the Miscellaneous Petition is *D.Lingeshwaran, S/o A.Dharmalingam, Executive Committee Member, Madras High Court Advocates Association, High Court Buildings, Chennai - 104.*

73. On being confronted with this Petition, that would establish his knowledge of the FIR, R8 has totally disavowed all knowledge of the same. He would argue that it was possible for a Miscellaneous Petition to have been filed by a Counsel even without the knowledge or authorisation by the Petitioner. He hence claims to be unaware of this Miscellaneous Petition as well.

74. We have verified the records and do not find any Vakalathnama from R8 authorising the Counsel to file the Miscellaneous Petition. There is only a memo of appearance executed by counsel on behalf of R8. Though the question lingers as to whether the memo of appearance executed by counsel is upon his instructions or otherwise, there is, admittedly, a practice on the criminal side, of permitting appearance of counsel upon filing Memo of Appearance alone. Hence, this fact, combined with the position that, per the records, there is nothing to indicate that R8 had knowledge of the pending criminal case, leads us to conclude that R8 had not suppressed any information about the Criminal Case as against him.

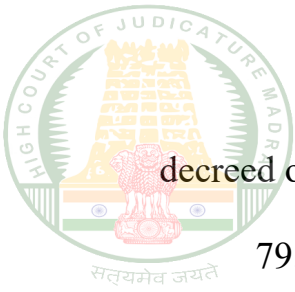


75. We now advert to the civil litigation, that according to the petitioner, R8 has suppressed. The facts relating to the civil litigation, that was brought to the attention of this Court on the Administrative side vide the complaint of one Selvakumar, is as follows.

76. R8 had, as a lawyer filed O.S.No.725 of 2006 on the file of District Munsif Court, Alandur on behalf of the complainant, Selvakumar. The suit had been instituted by Selvakumar, his mother and two sisters, against one Loganayaki @ Logammal to declare the registered settlement deed dated 18.05.2006 bearing document No.1875 of 2006, registered at the Sub Registrar's Office at Pammal, Chennai, as null and void.

77. The aforesaid settlement deed was stated to have been executed by the father of said Selvakumar, one C.Sornalinga Nadar, in favour of the defendant in the said suit, who was stated to be the second wife of C.Sornalinga Nadar. To clarify, R8 had appeared as the counsel on behalf of the first wife and children of said C.Sornalinga Nadar against the second wife of said C.Sornalinga Nadar.

78. The defendant/second wife in O.S.No.725 of 2006 had filed O.S.No.618 of 2006 seeking permanent injunction restraining said Selvakumar and his mother from interfering with her peaceful possession and enjoyment of the suit property, which was also the subject matter of the Settlement Deed under challenge in O.S.No.725 of 2006. Both the suits referred to above were



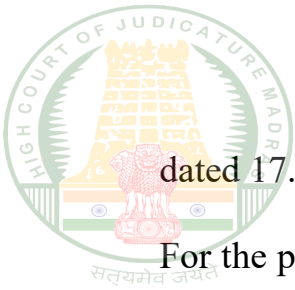
decreed on 20.04.2007 in terms of the Memo of Compromise dated 20.04.2007.

79. While so, R8 proceeded to purchase some properties from Loganayaki under Sale deeds bearing Document Nos.5278 of 2011, 5569 of 2011 and 2013 of 2010. The documents executed describe Loganayaki as the wife of late C.Sornalinga Nadar, whereas R8, being one of the counsel to the parties was aware of the litigation between the two branches of the family of C.Sornalinga Nadar.

80. The beneficiary in one sale deed, bearing Document No.2013 of 2010 was R8, on behalf of his minor son. Under Sale Deeds bearing Document Nos.5569 of 2011 and 5278 of 2011, the beneficiaries were R8 along with two third parties. The transaction under Document No.5278 of 2011 was cancelled vide Document No.6209 of 2011, on 28.12.2011. In all the Deeds, said Loganayaki was reflected as wife of C.Sornalinga Nadar, ignoring the existence of R8's own clients, who are the first wife and children of C.Sornalinga Nadar.

81. Challenging the above said sale deeds, said Selvakumar filed a suit in O.S.No.423 of 2012, on the file of the District Munsif Court, Valliyoor, against various purchasers, including R8, who was arrayed as Defendant No.9 in the said suit. The complaint/representation of Selvakumar received in 2015 had been referred to the Hon'ble Judge holding Portfolio of the District where R8 had been serving and his remarks/explanation had been sought on 10.06.16 vide Office Memorandum in R.O.C.No.4499 & 5145/2016-B2 (Complaint Cell).

82. R8 submitted his remarks under communication in D.No.532/2016,



dated 17.06.2016, denying the allegations and setting out a detailed explanation.

For the purposes of this case, it would suffice for us to note two things, one that

R8 had admittedly appeared for the first wife and children of C.Sornalinga Nadar in O.S.No.725 of 2006, and two, that said C.Sornalinga Nadar was a relative of R8.

83. The entirety of the material relating to the two civil suits, including pleadings, judgment and decree, Compromise Memo in O.S.Nos.725 of 2006 and 618 of 2006, and copies of the registered documents have been placed before us on 21.04.2005 by way of an Additional compilation. Our attention has been drawn by the parties to the Compromise Memo and we find that the Compromise Memo deals with only two properties, neither of which are the subject matter of the three sale deeds obtained by R8. Moreover, S.Loganayaki had herself not been allotted any property under the aforesaid Compromise Deed.

84. In response to the notice from the Registry of this Court on the complaint from Selvakumar, R8 has offered an explanation that the subject matter of the three sale deeds comprise properties that had been allotted to Loganayaki @ Logammal under Compromise Deed dated 19.04.2007. That does not appear to be correct, and apart from Compromise Deed dated 20.04.2007, no other Compromise Deed, either one dated 19.04.2007 or any other, has either been pleaded or placed before this Court.

85. Thus, the argument advanced before us by the Petitioner is that, the



stand taken by R8 to justify his purchase from Loganayaki @ Logammal, is firstly, in disregard of the existence of the first wife and children of Late C.Sornalingam Nadar, his clients, and secondly, the stand is factually incorrect as no properties had been allotted to the Loganayaki under Compromise Deed dated 19.04.2007. As a matter of fact, the Compromise Deed produced before the Court is dated 20.04.2007, and not 19.04.2007.

86. On receipt of the explanation tendered by R8, the file was placed before the Hon'ble Portfolio Judge of Ariyalur where R8 was serving as Sessions Judge (Fast Track Mahila Court), who, on 01.07.2016, has recorded '*Perused the complaint and the remarks of the officer. Remarks of the officer is accepted. There is no need to proceed further. File may be closed for the present.*'

87. We now come to the present writ petition where the issue that concerns us is the non-disclosure of OS.No.423 of 2012 on the file of District Munsif, Valliyur, wherein R8 is arrayed as D9, in the application filed by R8. Here, as in the case of the criminal matter, R8 argues that no summons had been received from the Civil Court and hence there is no suppression/non-disclosure of material facts.

88. We have called for the records of OS.No.423 of 2012 on the file of District Munsif, Valliyur. The docket orders reveal that summons have been issued by the Court but have been returned as unserved. The Court has then ordered substituted service by publication and publication has been effected. On



a careful consideration of the matter, we are of the view that while substituted service would suffice for the purpose of the suit proceedings, the issue before us constitutes 'knowledge' of R8 as to the pendency of the matter.

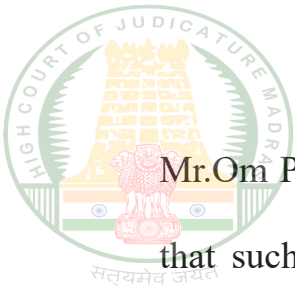
89. For this purpose, we have only to ascertain the service of summons upon R8, and in light of the admitted non-service of summons upon him, there is nothing to indicate that R8 was aware of the civil court proceedings. The attempt of the Petitioner to establish or conclude that there has been suppression of material facts hence fails, and we conclude that the application of R8 was not vitiated by non-disclosure or suppression of material facts.

90. As the notings of the Hon'ble Judges indicate that the file awaits the closure of this Writ Petition, (paragraphs 63 and 84), to take a view on the complaints filed before the Registry, we leave it to the concerned Committee to, on the Administrative side, decide the complaints and the course of action, if any to be taken, as the present writ petitions do not stand in the way any longer.

91. In fine, the writ petition is dismissed as against R8.

92. As regards R22, Mr.Abdul Khader, he had been arrayed as an accused in Crime No.1891 of 2004 for the offences under Section 147, 148, 341, 323 and 307 IPC and committed to Principal Sessions Judge, Madurai. The Criminal case had come to be closed on 22.02.2005 in S.C.No.34 of 2005 exonerating him from the charges.

93. R22 accedes to the position that he had been aware of the pendency of the criminal case and had omitted to disclose the same in his application form.



Mr.Om Prakash, learned Senior Counsel, who appears on behalf of R22 argues that such disclosure was unnecessary as, on the date of application, or even thereafter, there was no criminal case pending as against him. However, he admits that a criminal case had been registered earlier, wherein R22 had been arrayed as accused.

94. According to learned Senior Counsel, it had been a false case and his name had been included, originally, only as witness. R22 had knowledge about the matter and had obtained anticipatory bail as well. Ultimately, the case ended in an acquittal. According to R22, he had omitted to mention the matter only on account of the long elapse of time, and since he had been acquitted.

95. Furthermore, he states that he had disclosed the facts in the interview before the Selection Committee and that Committee had verified the case records. He has also acceded to the knowledge of the same in his counter affidavit, where at paragraph No.10 he states as follows:

10. I submit that 10 years had passed at the time when I made my application following the notification for appointment to the post of District Judge. Hence, I did not mention about the false case in the application. The case was indisputably false and ten years old. I still maintain that I have no criminal past and that my antecedents are good. In fact, when I attended before the Selection Committee for the second time after interview, I disclosed the facts about the above case to the members. The Hon'ble members on the verification of the case records found that it ended in acquittal ten years ago and was a false case as I was enrolled at Chennai only a couple of days earlier informed me that it was not a disqualification and that the same was not a material for any criminal antecedent. In any case, I was selected by my own merit in the open category, as I came 5th in the overall ranking. The selection of District Judges is on the basis of the marks obtained in



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the written test as well as the interview put together. The above criminal case falsely initiated and ended within a brief period of time is not a disqualification to be appointed as a District Judge. Besides, Rule 12(b)(i) of Tamil Nadu State and Subordinate Service Rules is not applicable to the selection of the District Judges. Hence, there is no malafide suppression which would materially affect my selection for the Selection Committee or the Respondents 1 and 2 would deny my appointment as District Judge on the basis of a criminal case registered falsely 10 years prior to the selection. In such a circumstance, I submit respectfully that my selection and appointment as District Judge is entirely correct and that the same is to be upheld. On the other hand, the false accusation of the petitioner as if a case was pending against me on the date of selection and appointment and that I suppressed the same, the said allegation is totally incorrect and false.

96. Learned Senior relies upon the following cases in support of his case:

- (i) *A.Kannan v. The Chief Secretary to Government of Tamil Nadu, Secretariat, Fort St. George, Chennai 600 009*⁴³
- (ii) *A.Kannan v. The State of Tamilnadu, Rep. By its Chief Secretary, Secretariat, Chennai 600 009*⁴⁴
- (iii) *Sivanandan C T and Others v. High Court of Kerala and Others*⁴⁵
- (iv) *Ravindra Kumar v. State of Uttar Pradesh and Others*⁴⁶
- (v) *E.Kalivarathan v. The State Rep. by The Sub-Inspector of Police, Pudupet Police Station, Cuddalore District*⁴⁷
- (vi) *D.Jagannathan, IAS, S/o T.P.DelliDurai, District Collector, Namakkal District, Namakkal v. S.Sattanathan, S/o Shanmugham, Additional Director, Department of Rural Development & Panchayat Raj, Chennai-600 001 and Others*⁴⁸
- (vii) *Avtar Singh v. Union of India and Others*

97. Though in the counter affidavit, R22 has stated that his involvement in the criminal case was informed to the Selection Committee, there is no material on record to substantiate the aforesaid statement. However, it is a fact

⁴³ WP(MD)No.3731 of 2015 dated 16.11.2016 (Madurai Bench of Madras High Court)

⁴⁴ WP(MD)No.9830 of 2021 dated 16.06.2021 (Madurai Bench of Madras High Court)

⁴⁵ 2023 INSC 709

⁴⁶ (2024) 5 SCC 264

⁴⁷ 2014 SCC OnLine Mad 9371

⁴⁸ (2013) 7 MLJ 385



that he had been acquitted and the question is thus as to whether the non-disclosure would be fatal to his application.

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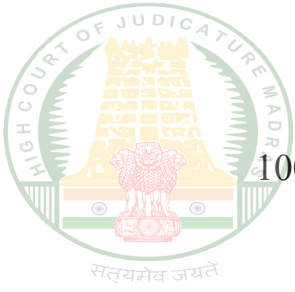
98. The Supreme Court in the case of *Avtar Singh* (supra) has held that it is open for the Court to examine whether the non-disclosure of the criminal antecedent would vitiate the candidature of the applicant. The relevant portion of the judgment reads thus:

In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted : -

.....

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

99. R22 has been acquitted by the trial Court and the judgment has also attained finality. Undoubtedly, there has been an omission by R22 in not making a full disclosure in the application form as to the criminal antecedents. However we are not persuaded to hold that that one error would compromise his entire service of the past 12 years, since January 2014. For the above reasons, we dismiss this writ petition as against R22 as well.



100. This Writ Petition is dismissed with no order as to costs.

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[A.S.M, J.] [M.S.K, J.]
28.04.2026

Index:Yes/No

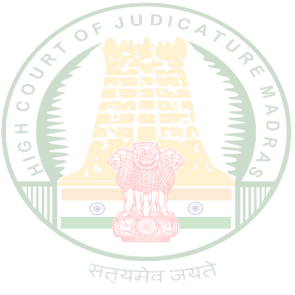
Speaking Order / Non-speaking Order

Neutral Citation:Yes/No

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To

- 1.The High Court of Madras,
Rep. By its Registrar General,
High Court, Chennai – 600 104.
- 2.The Secretary to Government of Tamil Nadu
Public (Special A) Department,
Secretariat, Chennai – 600 009.
- 3.The Principal Secretary to His Excellency
Governor of Tamilnadu State,
Governor’s Secretariat,
Raj Bhawan, Guindy,
Chennai – 600 022.
4. The State, Inspector of Police,
B4 – High Court Police Station,
Chennai.



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DR. ANITA SUMANTH,J.
and
MUMMINENI SUDHEER KUMAR,J.

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W.P.Nos. 23734 of 2013, 9664 of 2014 & 12759 of 2016

28.04.2026