

W.A(MD)No.2011 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2026

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CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)No.2011 of 2023
and
CMP (MD) Nos.12317 of 2026, 15781 of 2023
and
11351 of 2024

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Complex,
Pantheon Road,
Egmore,
Chennai – 600 008.

2. The Director General of Police,
Tamil Nadu Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

3. The Deputy Inspector General of Police,
Tamil Nadu Police South Zone,
Madurai.

... Appellants

Vs.

P.Manikandan

... Respondent



Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No. 5421 of 2023 and WMP(MD). No.5071 of 2023, dated 01.06.2023.

For Appellants : Mr.B.Saravanan, AAG III
assisted by Mr.M.Mahaboob Athiff, SGP
For Respondent : Mr.M.Pozhilan
for M/s.C.Arulvadivel Associates

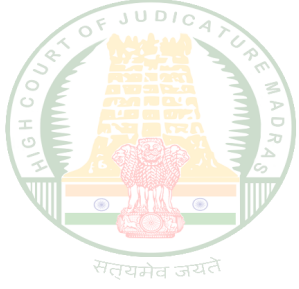
JUDGMENT

(Judgment of the Court was made by **N.DILIP KUMAR.J.**)

This writ appeal is filed against the order passed by the learned Single Judge of this Court in W.P.(MD) No.5421 of 2023, dated 01.06.2023. The parties are referred to as they stand in the writ petition.

2. The facts necessary for the disposal of this writ appeal are as follows:

2.1. The Tamil Nadu Uniformed Services Recruitment Board issued a recruitment notification dated 08th March 2022, inviting eligible candidates to apply for various posts, including that of Sub-Inspector of Police.



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2.2. The writ petitioner was one of the participants. He appeared for the written examination conducted on 25th June 2022 and was successful.

2.3. He was subsequently called for certificate verification, followed by physical measurement tests, endurance tests, physical efficiency tests and viva voce and was successful in all of them.

2.4. The candidature of the writ petitioner was, however, rejected on the ground that he had suppressed his involvement in a criminal case in Crime No.32 of 2022 registered on the file of Dhalavaipuram Police Station, Virudhunagar District, while filing his application. This was put to challenge before the writ Court. The writ Court allowed the writ petition, leading to the filing of this writ appeal.

3. Heard Mr.B.Saravanan, learned Additional Advocate General, appearing for the appellants and Mr.M.Pozhilan, learned counsel appearing for the respondent.



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4. The learned Additional Advocate General would strenuously contend that Uniformed service is a disciplined force and the candidates aspiring recruitment to the uniformed service should have a clean service record and should not have been found to have suppressed any material fact.

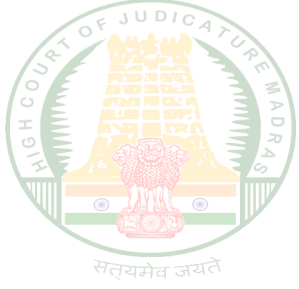
5. According to the Learned AAG, in this case, the writ petitioner, having been implicated in a criminal case in Crime No.32 of 2022 registered against him, suppressed to mention the same in his application dated 02nd April 2022; and rather stated those details in his representation dated 27th February 2023, only after his name was deleted from the final report in Final Report No. 62 of 2022. It is the conduct of the writ petitioner in suppressing the pendency of the criminal case that made the department to reject his candidature and the interference of the writ Court against such conclusion of the department is, therefore, incorrect. Accordingly, he prayed for allowing the writ appeal.

6. The learned counsel appearing for the writ petitioner would contend that though the FIR was registered on 03rd March 2022, till the date when the writ petitioner submitted his application for the post of Sub-Inspector of Police on 02nd April 2022, he was not aware of the registration of a criminal case, against him; later he learnt that the criminal case was filed by one

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Chitradevi claiming that she was cheated by the brother of the writ petitioner, who after promising to marry her and on that pretext, having had physical relationship with her, later refused to marry her; and on omnibus allegations against the writ petitioner and his parents, the criminal case was registered against not only the brother of the writ petitioner, but also against his parents and his siblings; the DSP of Rajapalayam, Virudhunagar District/investigation officer, upon completion of the investigation, filed a final report on 29th April 2022 in Final Report No.62/2022, exonerating the writ petitioner from the charges and since he was staying at Chennai and preparing for his exams, he had no knowledge about the registration of the criminal case against him; since the writ petitioner never had any knowledge about the criminal case that was registered against him in Crime No.32 of 2022 at the relevant point of time, his non-mentioning of the same in his application, will not amount to suppression; an individual can be accused of suppression, only of facts within his knowledge; he submitted that the conclusion of the learned Judge that there is no suppression of a material fact within the knowledge of the writ petitioner is correct and he prayed for dismissal of the writ appeal.

7. We have perused the materials available on record and given our anxious consideration to the respective submissions.



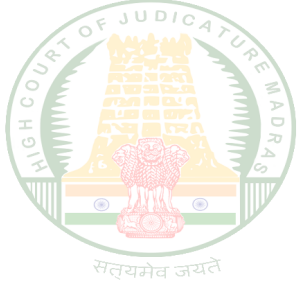
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8. The only point that arises for consideration in this writ appeal is whether the writ petitioner knowingly suppressed his implication in Crime No. 32 of 2022 when he filed his application on 02nd April 2022.

9. We have no difficulty in agreeing with the Learned AAG that the standard expected of a person intended to serve in the Uniformed service is different from the one of a person who intended to serve in other services; the candidate seeking employment in the police force should be honest, trustworthy and his integrity should be above board and he should be reliable; and that the issue is not of eligibility of the writ petitioner, rather that of suppression of material information that was required to be disclosed.

10. The three-judges bench of the Apex Court in the judgment delivered in *Avtar Singh v. Union of India and Others* and reported in **(2016) 8 SCC 471**, has laid down the law to be followed in these cases. The appointing authority shall take a decision only after considering the seriousness of the crime. The relevant paragraphs are reproduced hereinbelow:

“38. We have noticed various decisions and tried to explain and reconcile them as far as possible.



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In view of the aforesaid discussion, we summarise our conclusion thus:

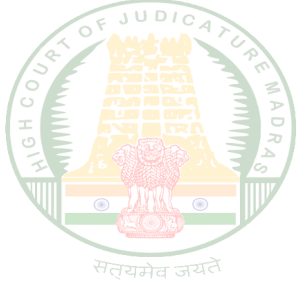
38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

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 filling of the application/verification form and such fact later comes to knowledge of employer, any 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



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discretion, ignore such suppression of fact or false information by condoning the lapse.

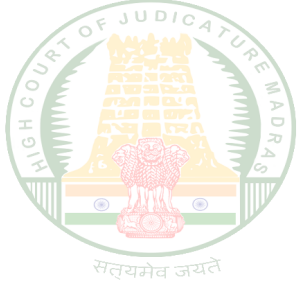
38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

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 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



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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.

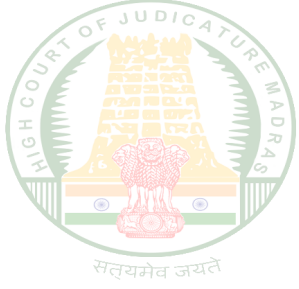
38.8. If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

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 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.

(emphasis supplied)

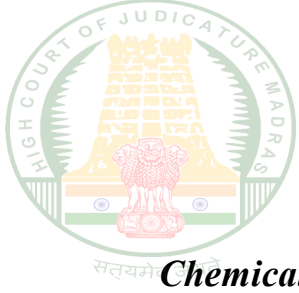


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11. In this case, the department had not considered the seriousness of the case. In this case, the department had not rejected the candidature of the writ petitioner because of the seriousness of the case involved. Rather, the department had rejected his candidature on the sole premise that the writ petitioner had suppressed the pendency of a criminal case.

12. The department was conscious that the implication of the writ petitioner in the criminal case was found to be false by the investigating agency and a final report was filed, exonerating and deleting the name of the writ petitioner from the array of accused and only his brother was implicated in the final report.

13. The learned Single Judge had rightly arrived at a conclusion that no material is available to hold that the writ petitioner knowingly suppressed his implication in the criminal case. The department had failed to establish that the writ petitioner had knowledge from the attendant circumstances that he was implicated in the criminal case.

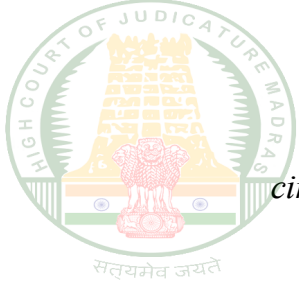
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14. In the recent judgment in ***Shatrughn Yadav v. Fertilizers and Chemicals Travancore Ltd. (F.A.C.T.) and others***, dated 11th August 2026, reported in **2026 SCC OnLine SC 1537**, the Hon'ble Supreme Court has held as follows:

“9. Learned counsel for the appellant submits that the High Court has erred in not appreciating the facts and circumstances of the case. He places reliance on the judgments in Ravindra Kumar v. State of UPI and Avtar Singh v. Union of India to contend that the question to be examined is not whether there is non-disclosure simplicitor, but whether there was deliberate suppression or supply of false information on the part of the candidate. Each case has to be examined on its own merits and termination cannot be an automatic consequence of existence of criminal antecedents.

10. It is submitted that such an exercise has not been undertaken in the appellant's case. The appellant's consistent stand has been that he had no knowledge of the existence of the NCR, therefore his declaration was bona fide.

19. Now coming to the merits of the case, the issue to be considered by us is whether the action of the respondents in terminating the employment of the appellant, in the given facts and

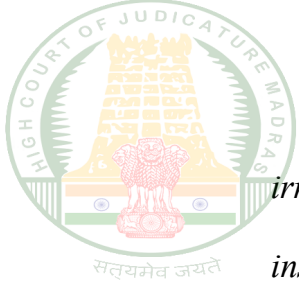


circumstances, was permissible in law.

20. *The legal position on the issue of suppression of information in verification forms with regard to criminal antecedents has been settled and summarised in a three-Judge Bench decision of this Court in Avtar Singh (supra).*

21. *What emerges from the above is that the relevant facts and circumstances must be considered in each case. The order of termination must not be mechanical but must have regard to the form of suppression, the outcome of the criminal case, the nature of the employment and of the offence, and any special circumstances. Termination is therefore not an automatic consequence of the disclosure of criminal antecedents; rather, the specific case of the employee must be considered, and the employer must apply its mind before arriving at a decision.*

22. *In a recent decision of this Court in Ravindra Kumar (supra) involving non-disclosure of a criminal case in the verification form, this Court granted relief to the appellant therein, having regard to the fact that on the date of the application, no criminal case was pending as he had been acquitted. Due regard was also given to the character certificate by the SHO certifying that the candidate was excellent, and that the appellant's general reputation was good. This Court also noted that the selection had been mechanically treated as*

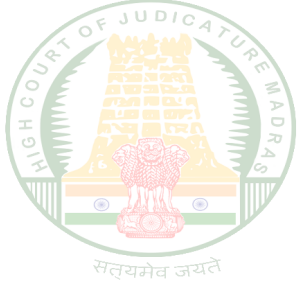


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irregular merely because the affidavit contained incorrect facts, instead of considering the appellant's suitability for appointment, which was an impermissible approach.

23. Similarly, in Umesh Chandra Yadav v. Inspector General and Chief Security Commissioner, Railway Protection Force, Northern Railway, New Delhi, where the appellant had failed to furnish information regarding a criminal case wherein he had been discharged as a juvenile, this Court, while granting relief, noted that in the facts and circumstances, such action could not be considered suppression of material information. It was reiterated that termination must not be done arbitrarily and the yardstick to be applied depends on the nature of the post, the impact of suppression and suitability. The relevant paragraph is reproduced hereinbelow:

“14. This cannot be disputed that the candidate who intend to participate in the selection process is required to furnish correct information relating to his character and antecedents in the verification/attestation form before or after his induction into service. At the same time, it is also true that the person who has suppressed the material information, cannot claim unfettered right of seeking appointment or continuity in service but, at the same time, he has a right not to be dealt with arbitrarily and power has to be exercised in reasonable manner with objectivity having due regard to the facts of the

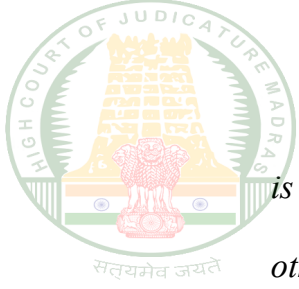


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case on hand. The yardstick which has to be applied always depends upon the nature of post, nature of duties, impact of suppression on suitability has to be considered by the competent authority considering post/nature of duties/services and power has to be exercised on due diligence of various aspects at the given time and no hard-and-fast rule of thumb can be laid down in this regard.”

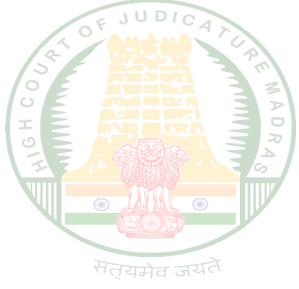
24. To summarise, the enquiry to be undertaken by the employer, before proceeding to terminate the services of an employee on the ground of suppression of information regarding criminal antecedents, is essentially two-pronged. The first is one of fact: whether there has, in truth, been any suppression or furnishing of false information by the candidate, having regard to the extent of his knowledge at the relevant time and the circumstances in which the declaration came to be made. The second prong of enquiry requires the authorities to apply their mind to the specific facts and circumstances of the case including the type of the suppression, the nature of allegations, role and gravity of the offence, the nature of the post and the duties attached to it and wherever relevant the effect thereof, and the eventual outcome of the criminal proceedings, if concluded, in order to arrive at a considered conclusion as to whether the continuation of the employee in service would not be feasible and the only option available is termination from service. It

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is only where both these stages of enquiries are undertaken and not otherwise, that an order of termination on this ground can be said to be sustainable in law.”

15. In the present case, the question whether there has been, in truth, any suppression or furnishing of false information by the petitioner, having regard to the extent of his knowledge at the relevant time, is to be considered. No material is brought by the State to show that there was deliberate suppression on the part of the petitioner. If the petitioner was not shown to have knowledge of the registration of a criminal case in Crime No.32 of 2022 against him on the date when he filed his application on 02nd April 2022, there is no justification on the part of the department to reject his candidature. Such an inquiry has not been undertaken by the department. Rather, they have blindly concluded that the petitioner was involved in a criminal case in Crime No.32 of 2022 dated 03rd March 2022 and therefore, he had suppressed the pendency of the criminal case. Therefore, they concluded that he had suppressed the criminal case and his past conduct and character is found to be not satisfactory. This conclusion of the authority is quite contrary to the manner of inquiry directed to be undertaken by the Apex Court in the judgments mentioned supra.



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16. The present case also brings into sharp focus a larger issue concerning the future and livelihood of the younger generation. A criminal case may commence with the registration of an FIR on the basis of an allegation, but the registration of an FIR by itself cannot be treated as proof of guilt or as a conclusive determination of the character and suitability of the person against whom such allegation is made. In many cases, particularly where the allegations are subsequently found to be false, exaggerated, motivated or unsupported by the materials collected during investigation, the accused may ultimately be exonerated, discharged or acquitted. This case itself demonstrates such a situation, where the investigating agency, upon completion of the investigation, found that the petitioner was not involved and deleted his name from the array of accused.

17. A serious concern arises when an FIR remains pending for an unduly long period without completion of investigation or when the filing of the final report/charge sheet is unnecessarily delayed. During such period, the person concerned continues to carry the burden of a "pending criminal case", notwithstanding the fact that the allegation has not culminated in a finding of guilt. For a young person who is at the threshold of his career, such pendency

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can have consequences far beyond the criminal proceeding itself. Recruitment notifications, character verification and employment procedures, even in the private sector, may treat the mere pendency of a criminal case as an impediment, thereby preventing a young person from securing employment at the very stage of life when he is seeking to establish himself and support his family.

18. The effect can be particularly harsh in cases involving public employment, including recruitment to uniformed services. A youth may successfully undergo a highly competitive selection process, clear written examinations, physical tests, endurance tests and interviews, and yet lose the opportunity of appointment merely because an FIR happens to remain pending against him, even without his knowledge, as in the present case. In such circumstances, if the criminal case is subsequently closed, the accused is exonerated, or the allegations are found to be false, the lost period of employment and the opportunity to enter public service cannot always be restored. The present judgment itself recognises that the life and career of a youth who has successfully undergone a difficult selection process should not be laid to waste on account of circumstances which do not establish his culpability.



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19. The objective should not be merely to determine whether a person is technically involved in a pending criminal case, but to ensure that a young citizen who has not been found guilty is given a fair opportunity to build his life and participate meaningfully in society. The law must protect the legitimate interests of public administration while simultaneously preventing the criminal process, particularly a prolonged or ultimately unfounded criminal proceeding, from becoming an instrument that permanently destroys the career, livelihood and future prospects of the youth.

20. The life of a youth like the writ petitioner, who aspire to be recruited to the uniformed service and who was successful in all these difficult physical and written tests, cannot be laid to waste because of his brother's love story, that turned ugly at a later stage.

21. The learned Single Judge has rightly arrived at a conclusion that there was no suppression of any material fact by the writ petitioner. The department has no material to make us to draw any other conclusion, than to concur with the reasoned order of the Learned Single Judge that the writ petitioner is not guilty of suppression of material fact.

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22. For the foregoing reasons, we are not inclined to interfere with the order passed by the learned Single Judge. In the result, the writ appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[M.D.I.,J] [N.D.K.,J]

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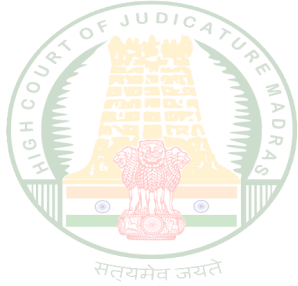
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Internet:Yes
Neutral Citation: Yes
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To

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