



W.P.(MD).No.24448 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24448 of 2023

and

W.M.P(MD) Nos.20639 and 20640 of 2023

S.Stalin

... Petitioner

Vs.

1. The District Collector,
Trichy District.
2. The District Revenue Officer,
Trichy District.
3. The Tahsildar,
Lalgudi Taluk,
Trichy District.
4. The Deputy Thasildhar,
Lalgudi Taluk,
Trichy District.
5. The Inspector of Police,
Kallakudi Police Station,
Trichy District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.C2/29613/2020, dated 29.08.2023 issued by the second respondent and quash the same is illegal and consequently directing the respondents to appoint the petitioner in the post of Village Assistant within stipulated time fixed by this Court.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed by a Village Assistant, whose selection was cancelled under the impugned order on the ground that he is involved in a criminal case and the same was suppressed at the time of application.

2. The petitioner was selected as a Village Assistant on 04.02.2023 and after police enquiry, the authorities came to know that the petitioner involved in criminal case in Crime No.181 of 2017 on the file of the Kallakudi Police Station. Based upon the fact that the petitioner has not disclosed the same in



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his application, the selection was cancelled by the authorities. Challenging the same, the present writ petition has been filed.

3. According to the learned counsel appearing for the writ petitioner, though a complaint was lodged as against the petitioner in Crime No.181 of 2017, after investigation, the police had closed the said complaint as “Mistake of Fact” on 30.05.2017. Therefore, the petitioner should be construed to have been not involved in the criminal case at any point of time.

4. Per contra, the learned Special Government Pleader appearing for the respondents pointed out that in his application, he has suppressed about his involvement of the criminal case and therefore, on the said ground his selection was cancelled. Therefore, he prayed for sustaining the order passed by the authorities.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.



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6. It is an admitted fact that the an FIR in Crime No.181 of 2017 was laid as against the writ petitioner on the file of the Kallakudi Police Station on 30.04.2017. However, after investigation, the police authorities have closed the FIR on the ground of “Mistake of Fact” on 30.05.2017.

7. When the petitioner had made an application for the post of Village Assistant, he has not disclosed about his involvement or closing of the FIR as “Mistake of Fact”. The petitioner is an aspirant for the last grade service in the Revenue Department. Considering the fact that the FIR has already been closed as “Mistake of Fact”, by the police officials six years prior to the selection process, this Court does not find any reason to hold that the petitioner has suppressed his involvement in a criminal case.

8. In view of the above said facts, the order impugned in the writ petition is set aside. The respondents are directed to proceed with the appointment of the writ petitioner depending upon the vacancy. However, the seniority and other benefits will flow only from the date of his appointment. With the above said observations, this Writ Petition stands allowed to the



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extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

31.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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