



LPA-1706-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-1706-2019 (O&M)
Reserved on :-24.09.2024
Date of Decision : 03.10.2024

Rajbeer Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondents

CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Angel Walia, Advocate for the appellants.

Mr. Maninder Singh, Sr. DAG, Punjab.

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SUDEEPTI SHARMA, J.

The present appeal is preferred against the judgment dated 25.04.2019 passed by the learned Single Judge in CWP-2136-2017 titled as '*Rajbeer Singh Vs. State of Punjab & Others*', whereby the writ petition filed by the appellant seeking directions to the respondents to appoint him as Constable in District Police Cadre, Ferozepur with effect from the date, persons lower to him in the selection list were appointed, was dismissed.

BRIEF FACTS OF THE CASE

2. The brief facts of the case are as under:-

- (i) In June 2016, the respondents had advertised 7400 posts of constable out of which certain posts were kept for District Cadre of Police of District Ferozepur. The applications were to be submitted



online. The educational qualification was 10+2. Since the appellant was found eligible, he was allotted Roll No.9110096 and was called for physical test which he qualified. As per his performance and position in merit, the appellant was found to be suitable and therefore, he was selected and allocated District Firozepur.

ii) After the appellant was selected and was found medically fit, he was entitled to appoint as constable according to his merits. However, the appellant was not offered the appointment despite the fact that all the persons lower in merits were given appointments and that they have duly joined on the post.

iii) On inquiry from the office of respondent No.3, it transpired that the appellant has not been offered the appointment because his name was found mentioned in some criminal case.

iv) Thereafter, the appellant filed CWP-2136-2017 titled as '*Rajbeer Singh Vs. State of Punjab & Others*' which was dismissed vide impugned judgment dated 25.04.2019. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that though two FIRs were registered against the appellant, but he was acquitted in one and in the other case compromise was effected between the parties and therefore, he is not facing any criminal prosecution, in any court of law. He further contends that the application form was to be submitted online and it was filled by the owner of the cyber cafe, who did not ask for any details in this regard and that is why against the columns, all information regarding, Whether any FIR or criminal case has been registered;



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have you ever been arrested; have you ever been tried and convicted or acquitted, “NO” was filled by the owner of the cyber cafe. Therefore, there was no fault on the part of appellant and there was no concealment of the facts by the appellant. In support of his contentions, he has relied upon the judgments passed in *Civil Appeal No.1430 of 2007 titled as “Commissioner of Police and others Vs. Sandeep Kumar”* and *LPA No.320 of 2019 titled as “Haryana Staff Selection Commission through its Secretary Vs. Sarla and others”*. Therefore, he prays that the present appeal be allowed and judgment dated 25.04.2019 passed by the learned Single Judge be set aside.

4. *Per contra*, learned counsel for respondent-State contends that the application form contains terms and conditions regarding the character of the candidate as well as personal information and the appellant in his application provided incorrect and wrong particulars. He further contends that in the column made for the purpose whether any FIR or criminal case has ever been registered against you (candidate who applied for the post), the appellant has given the answer as “No”. Further the column meant for “Are you facing any criminal proceedings in any Court of law in India?”, the appellant had given answer as “No”. He further contends that though the name of the appellant was in merit list but before issuance of appointment letter for the post of constable, it was incumbent upon the Department/employer to verify the character and antecedents of the candidate, his medical check-up report and verification of educational qualification certificates and after verification it was found that the appellant was involved in two FIRs. He further contends that as per the terms and conditions of the recruitment for the said post, it was duly recorded in the application form that



the candidate shall fill the correct information and an undertaking is given by the candidate that in case any information furnished is found to be false or incomplete or any material information is found to be concealed by him, his candidature may be cancelled and he understands that no claim whatsoever shall be entertained in this regard afterwards. The appellant concealed the registration of FIRs against him. Therefore, he contends that learned Single Judge has rightly dismissed the writ petition filed by the appellant and the present appeal be dismissed.

5. We have heard learned counsel for the parties and perused the whole record of this case.
6. Relevant portion of the judgment passed by the learned Single Judge is reproduced as under:-

“..... I find substance in the plea. It appears that there were two columns in the application ‘form’ seeking information whether the candidate was involved in any FIR or criminal case and whether he had ever been arrested/detained pursuant to same. In answer to both the questions, petition relied “No”. Relevant part of the application as reproduced in the affidavit is as under:-

<i>Whether any FIR or criminal case has ever been registered against you?</i>	<i>NO</i>
<i>Have you ever been arrested/detained in any criminal case</i>	<i>NO</i>

In view of gross act of concealment, I am of the considered view that petitioner is not entitled to the relief claimed for. Judgment in Commissioner of Police and Others Vs. Sandeep Kumar, 2011(4) SCC 644 is not applicable to the facts of the instant case as in the said



*case petitioner was ultimately acquitted and the candidate was not involved in any serious offences. Thus, a lenient view was taken. In the instant case, however, offences in cross-version against the petitioner are under Sections 307, 341, 336, 427, 148, 149 IPC and 25, 27 of Arms Act and in FIR No.172 dated 24.11.2015 under Sections 364, 452, 342, 323, 148, 149 IPC and 25/27/54/59 of the Arms Act. It appears that trial is still pending. Ratio of judgment in CWP No.14863 of 2017 titled as **Sarla Vs. State of Haryana & Ors decided on 31.10.2018** is also not attracted to the instant case as the said case was related to mentioning of wrong category in the online application form. Besides , petitioner, in said case, was a poor widow lady working as an Anganwari Worker. She had filled up the online application form through the help of cyber cafe in the village. She was not computer/net savvy. However, petitioner in the instant case, is an educated person. Besides, instant is a case of clear suppression of information regarding involvement in criminal cases while seeking appointment in police force. There is, thus, no ground to interfere in writ jurisdiction. Petition is hereby dismissed.”*

7. A perusal of the record as well as impugned judgment of learned Single Judge shows that the writ petition filed by the appellant has rightly been dismissed since the appellant concealed the true and relevant facts in the application form by not providing particulars of the criminal cases registered against him. He suppressed the material facts. Further as mentioned above, an undertaking was given by him, after filling the application form in case any



information furnished by him is found to be false or incomplete or any material information is found to be concealed by him, his candidature may be cancelled and he understands that no claim, whatsoever shall be entertained in this regard afterwards. Further, the judgments relied upon by the appellant were relied upon before the learned Single Judge as well and we agree with the finding given by the learned Single Judge regarding the same.

8. In view of the above, we do not find any infirmity in the judgment dated 25.04.2019 passed by the learned Single Judge. The same is upheld and the present appeal is dismissed being devoid of any merit.
9. Pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

October 03, 2024
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Whether speaking/non-speaking : Speaking
Whether reportable : Yes