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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: January 09, 2015

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W.P.(C) 1039/2014

ROHIT KUMAR

..... Petitioner

Represented by: Mr.S.D.Singh, Advocate with
Mr.Rahul Kumar Singh, Advocate

versus

DIRECTORATE GENERAL ITB POLICE
& ANR.

..... Respondents

Represented by: Mr.Manish Mohan, CGSC with
Mr.M.P.Singh, Mr.Gaurav Sharma
and Ms.Hina Shaheen, Advocates for
R-1 and R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J. (Oral)

1. The petitioner had applied for appointment in a central para-military force for the post of Assistant Commandant, which we note is a Group-A post.
2. The petitioner is post-graduate in commerce and has obtained a degree in Bachelor in Education. His address tells us that he does not come from a humble socio economic background. He comes from a family which is educated and he himself is an educated person.
3. Public employment in a central para-military force has been denied to the petitioner because while filling up the enrolment form he deliberately withheld relevant information in the applicable column where he was

required to state whether any FIR was registered against him. He wrote in the negative being in full knowledge of the fact that he was an accused in FIR No.37 for offences punishable under Sections 323/341/34 IPC PS G.T.B.Enclave, Shahdara, Delhi.

4. The petitioner claims that his case is squarely covered by a decision of the Supreme Court reported as 2011 (4)SCC 644 Commissioner of Police & Ors. Vs. Sandeep Kumar.

5. The petitioner overlooks that Sandeep Kumar came from a humble socio economic background and was seeking recruitment in Delhi Police to the humble post of constable. The view taken by the Supreme Court was that those who were involved in petty offences should not be denied public employment on said ground alone. As regards the charge against Sandeep Kumar that he did not disclose that he was an accused in an FIR, the view taken by the Court was that keeping in view his humble origin it was fear which probably led him not to state the truth.

6. In the decision reported as (2013) 7 SCC 685 Commissioner of Police, New Delhi & Anr. Vs. Mehar Singh the Supreme Court held that for public employment in police force it was incumbent upon the Court to ensure that there was complete probity shown by the applicant. In the decision reported as 2010(14) SCC 103 Daya Shankar Yadav Vs. Union of India & Ors. the Supreme Court held that apart from being involved in a criminal case, suppression of material information while filling up the enrolment form was an independent wrong and by itself was sufficient to deny public employment.

7. We would only add a caveat. If public employment is being sought in posts of humble origins, such as Group-C and Group-D posts, where candidates would normally be from humble socio economic background

different considerations would weigh with the Court vis-a-vis those candidates who seek employment, as in the present case, in Group-A posts, and that too in an armed force. The requirement of utmost probity by the candidate would be at the highest pedestal where employment is being sought to a Group-A post and that too in an armed force.

8. We find no infirmity in the view taken by the department that since the petitioner deliberately withheld giving relevant information and gave false information while filling up the enrolment form, employment as an Assistant Commandant in a central armed para-military force needs to be denied to him.

9. The writ petition is dismissed but without any order as to costs.

CM No.2134/2014

Dismissed as infructuous.

(RADEEP NANDRAJOG)
JUDGE

(PRATIBHA RANI)
JUDGE

JANUARY 09, 2015

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