

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.522 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 16244 of 2012**

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Bikrama Prasad Singh, aged about 42 years, son Of Bishwanath Prasad Singh,
Resident Of Village Basudewa, P.S. Nawanagar, District- Buxar, At Present
Mohalla Dautpur, P.S. Shahpur, P.S. Danapur, District Patna

.... Appellant/s

Versus

1. The State Of Bihar
2. The Director General of Police (D G P), Bihar, Patna
3. The Deputy Inspector General of Police (D.I.G.), Military Police (Central Zone), Bihar, Patna.
4. The Commandant B.M.P. 16, Phulwarisharif, Patna.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Jitendra Kumar Roy, Advocate.
Mr. Rajeev Kumar, Advocate.

For the Respondent/s : Mr. Anshuman Singh, AC to PAAG-1.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 16-09-2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Judge, dated 07.01.2014, whereby the Writ application filed by the appellant was dismissed. The appellant has sought appointment to the post of constable in Bihar Military Police, but the same was not considered for the reason that the petitioner has not disclosed the facts with regard to a pending criminal case against him by his wife.

3. In the application form submitted by the appellant on



20.12.2010, there is column '13' wherein information was sought in respect of any criminal case pending against the appellant in the Court or whether he has been convicted by Criminal Court or any case is pending for police investigation against him. But the answer given by the appellant was 'No'. In the said application form, it was clear warning that if the information given by the candidate was found to be incorrect, and then the appointment can be cancelled. On the same day, the petitioner has submitted a police verification form. Such verification form has the warning including the warning that if any written information is furnished and factual aspects are not disclosed, then the candidate will be declared ineligible for government job. In the verification form in column '12', in response to answer that whether any case is pending against him, the answer was 'No'.

4. A perusal of the counter affidavit shows that an F.I.R. was registered against the appellant on 07.11.2010 for the offences under Sections 341, 323, 325, 448, 504 and 34 of the Indian Penal Code. It is not the case of the appellant that he was not aware of the F.I.R. registered against him, when he submitted the form and the police verification form.

5. The argument of the learned counsel for the appellant is that since the dispute was with his wife, therefore, he did not consider it necessary to disclose such a case in respect of which

F.I.R. was lodged in the application form as well as in the police verification form.

6. We find that there is a clear stipulation that any police investigation which is pending has to be disclosed. Therefore, the plea of the appellant is not acceptable. Non-disclosure of the material facts cannot be excused. Factually, there was an investigation pending against the appellant which was not disclosed by the appellant and, therefore, the action of the respondents for not offering appointment for the post of constable to the appellant for the reason that he has not disclosed the material fact of the criminal case pending against him is found to be justified.

7. We do not find any error in the action of the respondents for not offering appointment to the appellant and also in the order passed by the learned Single Judge. Accordingly, this Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Mishra/-

AFR/NAFR	A.F.R
CAV DATE	N.A.
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