

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.720 of 2016

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Chandan Kumar Tiwari, son of Anirudh Tiwari. resident of Mohalla - Babhan
Toli, Ward No. 1, P.O. Sheohar, P.S. Sheohar, Distt. - Sheohar

.... Appellant

Versus

1. The State of Bihar
2. The Secretary, Department of Law, Government of Bihar, Patna
3. The Registrar General, Patna High Court, Patna
4. The office of the District & Sessions Judge (Administration), Sheohar
5. Shri Chandravanshi Mahto, son of Rooplal Mahto resident of village - Madhopur
Anant, P.S. Sheohar, Distt. - Sheohar
6. Shri Shatrughan Pathak, son of Kishan Pathak, resident of village - Harpur, P.S.
Purnahiya, Distt. - Sheohar

.... Respondents

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Appearance:

For the Appellant	:	Mr. Sunil Kumar Verma, Advocate Mr. Suman Kumr Verma, Advocate Mr. Anish Kumar, Advocate
For the Respondents	:	Mr. Bindhyachal Singh, Advocate Ms. Smriti Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 28-11-2016

Heard learned counsel for the appellant and learned counsel
for the respondents.

2. The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 17th of March, 2016,
in CWJC No. 1348 of 2015 whereby the writ petition filed by the
appellant for issuance of a writ of certiorari for quashing of the order
dated 11th of December, 2014 cancelling his appointment on the post
of Driver remained unsuccessful.



3. The appellant was offered appointment on the post of Driver on 16th of September, 2014 in the judgeship of Sheohar. The appellant has not disclosed in this application form, that he was convicted in Sheohar P.S. Case No. 57 of 2006, giving rise to Sessions Trial No. 19 of 2007/17 of 2007. He was sentenced by the learned Sessions Judge on 12th of August, 2008. An appeal against the said order was allowed on 1st of December, 2014 after the letter of appointment was issued on 16th of September, 2014. In view of the fact that the appellant has not disclosed his conviction at the time of submission of the application form, therefore, the letter of appointment was withdrawn.

4. Learned counsel for the appellant argued that non-disclosure of the said information was an inadvertent omission which cannot give rise to penal consequences for the appellant. It is also contended that Sri Chandravanshi Mahto and Sri Shatrughan Pathak, Respondent Nos. 5 and 6 have been appointed although they were also facing criminal trial at the time of submission of the application form.

5. We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal. The appellant has not disclosed the fact that he stood convicted by an order passed by the learned Sessions Judge. His acquittal in appeal came after the offer of appointment was made. Since the conviction is the material fact

therefore, withholding of such information is a good ground for cancelling the offer of appointment. We do not find any illegality in the order cancelling the appointment.

6. In respect of allegation against Respondent Nos. 5 and 6 that they were also similarly situated, it is settled that there cannot be parity in illegality such as in Chandigarh Administration and another vs. Jagjit Singh and another, (1995) 1 SCC 745 and Kulwinder Pal Singh and another vs. State of Punjab and others, AIR 2016 Supreme Court 2281.

7. Therefore, we do not find any reason to interfere with the order of cancellation of the letter of appointment. But we direct the learned District and Sessions Judge, Sheohar to examine as to whether Respondent Nos. 5 and 6 have also withheld material information in respect of pending criminal trial, if it so, to take appropriate action in accordance with law.

8. The Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Chandran/Ibrar

AFR/NAFR	AFR
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