

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 238 of 2016

- Chaturbhuji Prasad Chandra S/o Shri Chamaar Rai Chandra, Aged About 36 Years R/o Village And Post Kirit, Police Station And Tahsil Nawagarh, Civil And Revenue District Janjgir Champa (Chhattisgarh)

---- Appellant

Versus

1. State of Chhattisgarh Through : The Secretary, Department of Home, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Director General of Police, Police Headquarter Civil Lines, Raipur (Chhattisgarh)
3. Dy. Inspector General of Police, Chhattisgarh Arms Forces, Central Range, Bhilai, District Durg (Chhattisgarh)
4. Senani Pratham Vahini Chhattisgarh Shashtra Bal Bhilai, District Durg (Chhattisgarh)

---- Respondents

For Appellant	:	Mr. Rajkumar Pali, Advocate
For Respondent No.1 to 3 /State	:	Mr. A.S. Kachhawaha, Additional Advocate General

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board By Justice Pritinker Diwaker

11/05/2016

1. Undisputedly, while obtaining the job the appellant had suppressed the material information in respect of registration of offence under Sections 147, 148, 149, 452, 323 & 325 of the IPC against him. When the employer came to know about the act of the appellant, after completing all the necessary formalities, the service of the appellant was terminated. The departmental and mercy appeals have also been dismissed.
2. In the writ petition, the appellant had challenged the termination order and the orders passed in appeals. Learned Single Judge, after

considering the entire factual and legal aspects, has passed the order impugned holding the petitioner guilty for concealing material information regarding his antecedent and character and that no interference can be made in the order of the State Government terminating the services of the petitioner.

3. It is the settled position of law that disclosure of involvement in a criminal case in the application/attestation form is an essential requirement and that the honesty and integrity are inbuilt requirement of the government job.
4. The appellant was well aware of his criminal prosecution, the attestation/verification form contains specific points in Column No.12 regarding criminal antecedents of the applicant. It was specifically mentioned at the very beginning of the attestation form that suppression of any information sought for or giving incorrect information would result in disqualification of the applicant and even after appointment if any such suppression of fact comes to the fore at any point of time, the services of applicant would be liable to be terminated. The appellant while filling in the said attestation/verification form was obliged to furnish correct and true information as on date, however, he did not do so, thereby suppressed the material information as to his criminal records.
5. From the facts and circumstances of the case, it is apparent that the appellant while filling in the attestation / verification form had deliberately suppressed the fact of his criminal antecedents in order to

secure appointment. Suppression of such information itself amounts to moral turpitude making the appellant unfit for the job applied for. The writ Court considering all the aspects of the case in light of various pronouncements of the Supreme Court holding the field in this regard was fully justified in dismissing the petition of the appellant. We also find no substance in this appeal and dismiss the same accordingly.

Sd/-
(Pritinker Diwaker)
JUDGE

Sd/-
(I.S. Uboweja)
JUDGE