

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 652 of 2015

- Anil Kumar Pradhan S/o. Late Punau Ram Pradhan, Aged About 34 Years R/o. Village Singarbhatt, Distt. Uttar Bastar, Kanker (Chhattisgarh)

----Appellant

Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Water Resource Department, Mantralay, Mahanadi Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
2. Chief Engineer, Office Of Chief Engineer, Mahanadi Project, Water Resource Department, Raipur (Chhattisgarh)
3. Sub Divisional Officer, Water Management, Sub Division No.10, Dudhawa, Distt. Uttar Bastar, Kanker (Chhattisgarh)
4. Inspector General Of Police, Intelligence, Police Head Quarter, Raipur (Chhattisgarh)

---- Respondent

For appellant : Shri Vinod Deshmukh, Advocate.

For Respondent/State : Shri Vivek Sharma, G.A.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Chandra Bhushan Bajpai

Judgment On Board by Justice Pritinker Diwaker

13/01/2016:

On 16.7.2008 the appellant was appointed as Chowkidar on compassionate ground. On 10.2.2010 he submitted the attestation

form wherein in Coloumn No.12 related to past criminal record of the applicant, he mentioned in the negative against sub-columns (1) and (8) leaving blank the rest of the sub-columns.

02. According to the appellant, subsequent to furnishing the above attestation form, he submitted an affidavit on 11.3.2010, *inter alia*, stating therein that Crime No.302/2004 was registered against him and after trial, he was acquitted of the charge by Judicial Magistrate First Class, Kanker by the judgment dated 28.10.2005.

03. On due consideration of the documents, it was opined by the Superintendent of Police, that the appellant has suppressed the relevant information in Coloumn No.12 and therefore, he was disqualified for his appointment on the said post and accordingly, services of the appellant were terminated vide order dated 14.10.2010.

04. Against order terminating his services, the appellant filed a writ petition I.e .W.P.(s) No.312/2011 which came to be dismissed by the writ Court vide order dated 16.11.2015. Hence this appeal.

05. Counsel for the appellant submits that once in the subsequent affidavit filed by the appellant, he disclosed the fact of registration of criminal case against him, he cannot be said to have suppressed the said fact, even if he had not disclosed any such fact against Coloumn No.12 of the attestation form, his subsequent conduct makes it clear that he had no intention to suppress the fact of registration of criminal case against him. It has been further argued that the appellant had not obtained appointment by suppression of fact and even assuming

that he was at fault by not disclosing in Coloumn No.12 about his criminal record, termination of his services on that count alone is too harsh.

06. Stand of the State Government before the writ Court and this Court is that the appellant was prosecuted for the offence under Section 392/34 of IPC and Section 25 of the Arms Act, he was well aware about the nature of the job offered to him and therefore, in all fairness, he was under an obligation to disclose correct facts while filling in the attestation form, in particular Coloumn No.12 relating to his criminal record of any kind. He submits that from perusal of the affidavit submitted by the appellant subsequently, it is evident that even in his affidavit he has not given the full facts about his criminal case and has merely made an attempt to deceive the State authorities. Learned writ court considering all the aspects of the case has rightly passed the order impugned and there is no illegality or infirmity in it calling for any interference by this Court.

07. 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.

08. The appellant was well aware of his criminal prosecution, the attestation form contains specific points in Coloumn No.12 regarding criminal antecedents of the applicant, including the point of acquittal. 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 the applicant would be liable to be terminated.

09. The appellant while filling in the said attestation form was obliged to furnish correct and true information as on date, however, instead of doing so, he mentioned in negative against sub-columns No. (1) and (8) of Column No.12 leaving blank the rest of the columns. When the said attestation form was sent to the concerned Superintendent of Police for verification by the Sub Divisional Officer vide letter dated 10.12.2010, the same was returned by the Superintendent of Police on the ground that no affidavit of the applicant to the effect that the applicant has not suppressed any information regarding his criminal record in the attestation form, is annexed with the said form. It is only after that the appellant submitted an affidavit on 11.3.2010 very cleverly mentioning therein about the crime number and acquittal by the trial Court only, without furnishing other specific details such as the offence for which he was tried, whether acquittal was honourable or by extending benefit of doubt etc.

10. From the facts and circumstances of the case, it is apparent that the appellant while filling in the attestation form had deliberately suppressed the fact of his criminal antecedents in order to secure appointment and even in his affidavit submitted later on, he did not furnish all the relevant information. 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/	Sd/
(Pritinker Diwaker)	(C.B. Bajpai)
Judge	Judge

Khan