

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.755/2016

Jagan s/o Prakash Wankhede ..vs.. State of Maharashtra, through Additional Chief
Secretary, Home Department, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. M. Khan, Advocate for petitioner.

Shri N. R. Patil, Assistant Government Pleader for respondents.

CORAM : SMT. VASANTI A. NAIK AND
V. M. DESHPANDE, JJ.

DATE : APRIL 27, 2016

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 18.09.2015 dismissing the original application filed by the petitioner.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that the tribunal was justified in dismissing the original application filed by the petitioner. The petitioner was appointed as a Police Constable in a vacancy reserved for the Scheduled Castes. On 14.12.2011, the petitioner had tendered an attestation form wherein he was required to answer the question; whether he was arrested/prosecuted/convicted by Court of law and the petitioner had answered the question in the negative. Then a question about the pendency of prosecution or any case against the petitioner was answered in the negative. Admittedly, the petitioner was being prosecuted for an offence punishable under Section 379 read with Section 34 of the Indian Penal Code when he had filled the attestation form. The tribunal rightly found that the petitioner had suppressed the relevant material/information while seeking the appointment. The tribunal held that the

petitioner was rightly denied appointment as he was guilty of suppression of material information relating to his involvement in the criminal case. By holding so, the tribunal has relied on the judgments of the Hon'ble Supreme Court reported in 2012 (7) SCALE 22; Jainendra Singh ..vs.. State of U. P. and AIR 2013 SC 2861; Commissioner of Police, New Delhi and another ..vs.. Mehar Singh. The Hon'ble Supreme Court has observed in the aforesaid judgment that strict norms have to be applied while appointing the persons in a disciplined force because public interest is involved in it and since the respondent in the judgment reported in AIR 2013 SC 2861; was seeking the appointment in para military force, the Supreme Court held that he was guilty of suppression of material facts and was not entitled for employment. The findings recorded by the tribunal are based on the well settled principles of law laid down by the Hon'ble Supreme Court.

Since, there is no scope of interference with the order of the tribunal, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE