

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.22991 OF 2012

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the order of termination dated 05.06.2005 passed by the 4th respondent as confirmed by the Appellate Authority vide order dated 05.02.2006 – 2nd respondent.

2. Heard Sri D.L.Pandu, learned counsel, appearing for the petitioner herein and Sri B.Narayana Reddy, learned Assistant Solicitor General for Union of India, appearing for the respondents.

3. The only question which falls for consideration of this Court is:
“Whether the failure to furnish the information at the time of appointment with regard to involvement in Criminal case vitiates the appointment?”

4. In the instant case, the petitioner herein was appointed in the year 2003 as constable in the Central Reserved Police Force. In the verification Roll under Column 12-A i.e., with regard to involvement in Criminal Cases, the petitioner herein admittedly mentioned as ‘No’. On the ground that the petitioner herein falsely mentioned about his involvement in the criminal case, the 4th respondent herein terminated the petitioner from the service.

5. According to the learned counsel for the petitioner herein, the said aspect cannot be treated as fatal as the petitioner herein was acquitted of the criminal charges subsequently.

6. This question is no longer *Res integra*. In the case of **B.RamaKrishna Yadav and another Vs. The Superintendent of Police and Another**^[1], a full bench of this Court at Paragraph Nos.11

and 12, held as under:

“11. In this backdrop, we would now like to deal with the question that falls for our consideration. Suppression of information by the candidate regarding his involvement in a criminal case is one-thing and whether to appoint or to terminate such person after the information of his involvement in a criminal is surfaced is another. Similarly, whether to appoint such person, who has fairly disclosed the information of his involvement in a criminal case in the application form, is also a question, which the appointing authority has to decide. In other words, it is for the employer/appointing authority to take a call and decide whether such person should be appointed having regard to various factors that could be taken into consideration.

11.1 In the present case, we are considering a situation where there was suppression of information relating to involvement in a criminal case by the candidate. Keeping that in view and having regard to the judgments of the Supreme Court and the principles culled out therein, we are of the opinion, if a candidate were to suppress the information relating to his involvement in a criminal case and if it is surfaced before appointment or at the stage of verification of antecedents, more particularly when such an information was specifically sought for, it is open to the appointing authority to deny appointment to or terminate such employee.

12. Verification of character and antecedents is one of the important features in service jurisprudence so as to find out whether a selected candidate is suitable to the post. Having regard to the antecedents of a candidate, if appointing authority finds that it is not desirable to appoint such person, in particular to a discipline force, it can deny employment or even terminate such person, if appointed, within the shortest possible time from the date of verification of character and antecedents. This has to be scrupulously followed in case of recruitment in police force, it being a disciplined force. As observed by the Supreme Court in Mehar Singh (supra), people repose great faith and confidence in the police force, and therefore, the selected candidate must be of confidence, impeccable character and integrity. A person having

criminal antecedents is, undoubtedly, not fit in this category, more particularly when he has suppressed the information about his involvement in criminal case(s) irrespective of the fact whether the case was pending or he was acquitted.”

7. In view of the ratio laid down in the above referred judgment, the petitioner herein is not entitled for any relief from this Court under Article 226 of the Constitution of India.

8. Accordingly, Writ Petition is dismissed. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

31.03.2016
SS

[\[1\]](#) 2016 (2) ALD 340