

In the High Court of Judicature at Hyderabad
for the State of Telangana and the State of Andhra
Pradesh

Writ Petition No.11877 of 2016

Between:

J.Nagaraju

... Petitioners

and

**-
The Chairman**

**State Level Police Recruitment Board of Telangana,
Hyderabad and 3 others**

...Respondents

Date of Judgment Pronounced: 13-04-2016

Submitted for Approval:

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice M.S.K.Jaiswal

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the judgments ?

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2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals

3. Whether Their Ladyship/Lordship wish to
Yes/No
see the fair copy of the Judgment ?

(C.V.Nagarjuna Reddy, J)

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(M.S.K.Jaiswal, J)

*** The Hon'ble Sri Justice C.V.Nagarjuna Reddy**
and
The Hon'ble Sri Justice M.S.K.Jaiswal

+ Writ Petition No.11877 of 2016

% Dated 13.04.2016

Between:

J.Nagaraju

... Petitioner

and

**-
The Chairman**

**State Level Police Recruitment Board of Telangana,
Hyderabad and 3 others**

...Respondents

! Counsel for the petitioner: Mr.V.Maheswar Reddy

^ Counsel for respondent Nos.1 to 4: GP for Services (TS)

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? Cases cited:

(1996) 11 SCC 605

Civil Appeal No.10613/2014, dt.01-12-2014

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.11877 of 2016

Date: 13.04.2016

Between:

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.. Petitioner

and

The Chairman
State Level Police Recruitment Board of Telangana
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.. Respondents

Counsel for the petitioner :

Mr.V.Maheswar Reddy

Counsel for respondent Nos.1 to 4: GP for Services
(TS)

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The Court made the following:

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Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, who developed physical relationship with an unmarried girl (hereinafter referred as 'the victim'), was subjected to criminal prosecution for the offences punishable under Sections 417 and 420 of the Indian Penal Code, 1860 (for short 'the IPC'). The gravamen of the allegation against him was that he has developed physical contact with the victim on the promise of marrying her and after she conceived, he went back on his promise. The further charge was that on 04-09-2013, the victim has delivered a female child and when a request to marry her was made by the parents of the victim, the petitioner declined that request eventually forcing the father of the victim to give a criminal complaint, based on which he was prosecuted for the above-mentioned offences. The petitioner was arrested on 28.09.2013 and remanded to judicial custody. It is in this background that the petitioner has applied for the post of Stipendiary Cadet Trainee Sub-Inspectors of Police (Civil) in pursuance of Notification, dated 03-11-2011, issued by the Police Recruitment Board, Hyderabad, and got provisionally selected to the said post in September, 2014. However, during verification of his antecedents, the above-noted

facts came to light, as a result of which his provisional selection was cancelled. Assailing the cancellation of his selection, the petitioner has filed OA.No.6360 of 2014, which was dismissed by the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

Mr.V.Maheswar Reddy, learned Counsel for the petitioner, argued that as per the admitted facts of the case, the Criminal Case ended in acquittal following the compounding of the case and that as per the understanding between the parties, the petitioner married the victim. He has further argued that the criminal case was compounded on 30-07-2014 *i.e.*, more than 1½ months after the petitioner was provisionally selected and that therefore, the petitioner cannot be treated as being guilty of commission of the offence. In support of his submission the learned Counsel has placed heavy reliance on a Division Bench Judgment of this Court, dated 12-03-2015, in WP.No.1817 of 2015.

G.O.Ms.No.97 Home (Legal-II), dated 01-05-2016, brought out certain amendments to the A.P.Police (Stipendiary Cadet Training) Rules, 1999

(for short 'the Rules'). Clause 3(G) thereof envisages 'Disqualification for Appointment'. One of the disqualifications incorporated therein is a person's involvement in an offence involving moral turpitude.

It is not in dispute that when the whole selection process was in progress, the Criminal Case, which was initiated in September, 2013, against the petitioner was pending. As the petitioner has denied his paternity, the Criminal Court went to the extent of referring the blood samples of the petitioner, the victim and the child to the Forensic Science Laboratory for DNA test. The test result has proved that the petitioner has fathered the child. It is thereafter that the petitioner has entered into an understanding with the victim and her parents obviously in realization of the fact that he will lose his appointment as the selection process was in an advanced stage by that time. The petitioner has, accordingly, agreed for compounding the offence and married the victim. These undisputed facts leave us in no doubt that but for the threat of losing his employment opportunity, the petitioner may not have agreed to

marry the victim. Therefore, this marriage needs to be termed as the one of convenience rather than by choice of the petitioner.

The admitted fact that the petitioner has developed physical relationship with an unmarried girl, fathered a child and declined to marry her till the DNA test has proved that he is the father of the child clearly reflected on his moral delinquency and there can be no doubt that he was involved in a crime involving moral turpitude. The Tribunal has, therefore, rightly concluded that the case of the petitioner falls within the ambit of Clause 3 (G) (vi) of the aforementioned Rules.

The submission of the learned Counsel for the petitioner that by the time the petitioner was provisionally selected, there was a happy ending of the dispute and closure of the criminal case and that therefore, he cannot be deprived of employment does not appeal to us. The petitioner's immoral conduct which threw the unmarried woman to the brink of disaster owing to his denial of paternity cannot be obliterated by the subsequent event of his marrying the woman under

compelling circumstances of proof of his paternity in the criminal case and the threat of his losing employment opportunity looming large.

As far as the Division Bench Judgment relied upon by the learned Counsel is concerned, that was a case where the person concerned was acquitted of the charge under Section 302 IPC much before the commencement of selection process and the Division Bench on those facts held that he cannot be disqualified from being considered for public employment. As the said judgment turns on its own facts, which do not bear any similarity with the facts of the present case, the same does not come to the aid of the petitioner.

The main question we are concerned with is whether a person of such character as of the petitioner could be made a part of the disciplined force. In many a case, the Apex Court held that a person, who does not have proper moral character, cannot be made a part of the police force. In **Delhi Administration through its Chief Secretary and others vs. Sushil Kumar**^[1], the Supreme Court held that though the party therein was discharged

or acquitted of the criminal offences, the same has no relevance while judging the conduct or character of a candidate to be appointed to a service. Similar view was taken by the Supreme Court in **State of MP vs. Parvez Khan**^[2]. The Tribunal has rightly placed reliance on these two judgments and dismissed the OA on merits. On a thorough consideration of the reasons assigned by it, we are of the opinion that the order of the Tribunal does not call for any interference.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.14917 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(M.S.K.Jaiswal, J)

Dt: 13th April, 2016

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[\[1\]](#) (1996) 11 SCC 605

[\[2\]](#) Civil Appeal No.10613/2014, dt.01-12-2014