

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 15574 of 2013 (O&M)
Date of Decision: 04.08.2016**

Ravinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harit Sharma, Advocate
for the petitioner.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner-Ravinder Kaur was an aspirant for recruitment against 700 posts of Lady Constables in Jalandhar Zone-II, Jalandhar pursuant to the advertisement dated 28.09.2011 by the Punjab Police.

The petitioner was allotted Roll No. 2903. She qualified the Physical Efficiency Test, conducted on 11.12.2011, thereafter, she appeared before the Recruitment Board, Jalandhar, for interview on 21.12.2011 and after computing the final result, petitioner was declared selected in the final list of the successful candidates. On 06.09.2012, she was found medically fit, however, she was not offered the constabulary number upon the police verification of her antecedents, as it transpires that two FIRs were found to have been registered against the petitioner.

The petitioner, thereafter, made representations to the Inspector General of Police, Jalandhar (**Annexure P-5**) and Commissioner of Police, Jalandhar (**Annexure P-6**) by asserting that she and her mother were falsely implicated in the said FIRs on account of a civil dispute between the two families. Thereafter, the present writ petition was filed.

This Court, while issuing notice of motion on 23.07.2013, passed the following orders:-

“The petitioner has approached this Court in terms of raising a grievance that inspite of having been selected for the post of Constable, she is not being permitted to join merely on account of the registration of two F.I.Rs.

*Learned counsel for the petitioner would inter alia contend that the registration of the F.I.Rs was much after the initiation of the selection process and in any case a perusal of both the F.I.Rs would in itself reveal that the petitioner is not involved in any offence involving moral turpitude. Counsel has placed reliance upon a Division Bench judgement of this Court rendered in case of **Ramnik Kumar and another Vs. State of Haryana and others, 2008 (4) S.C.T 657**, wherein it has been held that mere registration of a criminal case would not disentitle a candidate duly selected to be appointed to the post in question.”*

A reply on behalf of the State has been filed. An additional affidavit was also filed by Shri Naveen Singla, Deputy Commissioner of Police, Jalandhar.

Learned counsel for the petitioner has argued that there was never concealment on the part of the petitioner regarding the registration of

the aforesaid two FIRs, which were registered after her selection. He further submits that mere registration of the FIRs, *ipso facto* do not entitle the respondents to withhold her appointment letter, however, after thorough investigation, the police in both the said FIRs have filed the cancellation reports.

Learned State counsel submits that the action of the respondents is in the light of the provisions of the Punjab Police Rules and the admitted fact of registration of the said two FIRs does not constitute any *mala fide* exercise of power. He, however, has conceded that in both the FIRs, cancellation reports even after the order of further investigation by the trial Court, have been filed in the year 2014, which are still stated to be pending acceptance before the trial Court.

After hearing learned counsel for the parties, it is apparent that the present petition deserves to be allowed.

It is not in dispute that the following two FIRs were got registered by the complainant-Shinder Kaur, who is the *aunt* of the deceased-father of the petitioner. The details of the aforesaid FIRs are as under:-

1. *FIR No. 96, dated 11.06.2012, under Sections 323, 447, 511, 427, 506, 148, IPC, Police Station Tanda, District Hoshiarpur.*
2. *FIR No. 126, dated 24.07.2012, under Sections 323, 324, 506 and 34, IPC, Police Station Tanda, District Hoshiarpur.*

It is also not in dispute that there is a dispute between the collateral i.e. the family of the petitioner and the complainant over partition of the joint land.

On a pointed query to the learned State counsel, it was admitted that no conscious decision by any Authority/Screening Committee regarding the role of the petitioner in the two FIRs was ever considered before denying the constabulary number to the petitioner. It is also a conceded case that in both the aforesaid FIRs, after thorough investigation and further investigation, cancellation reports stand submitted. It is also settled law that upon mere registration of FIR, without examining the role of the person regarding involvement of moral turpitude or not, the legal and rightful claim of appointment cannot be denied to the person.

Learned counsel for the petitioner, on instructions from her client, who is present in Court, concedes that the petitioner would not claim any salary for the period prior to her actual appointment except notional benefits.

In view of the aforesaid, it thus emerges that the petitioner has been wrongly denied appointment to the post of Constable in view of her conceded merit, moreso, when the police authorities themselves have found upon thorough investigations that there is no incriminating material available against the petitioner. In the facts of the case and the settled principle law on the issue, the claim of the petitioner is thus liable to be accepted.

Accordingly, the present petition is allowed. The respondents are directed to appoint and allot a constabulary number to the petitioner within fifteen days' from the date of receipt of certified copy of this order.

The petitioner shall be entitled to all the benefits from the date any junior

person to her in merit for the same zone, was appointed i.e. notional fixation of pay, seniority etc.

August 04, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No