

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10724 of 2014

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Amit Kumar S/o Balmukund Yadav R/o Village - Pratapur, P.O. Belari, District - Banka, Bihar

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Home Affairs
2. The Inspector General of Police, Central Reserve Police Force, CGO Complex, Lodi Road, New Delhi
3. The Commandant, 16 Batalian, GC, C.R.P.F., Rampur (Uttar Pradesh)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Respondent/s : Mr. Anjani Kumar Sharan, ASG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-12-2017

Heard counsel for the petitioner and counsel for the
Union of India.

The petitioner has challenged the order of termination dated 24.01.2014 issued under Sub- Rule (1) of Rule (5) of the Central Civil Services (Temporary Service) Rules, 1965 (hereinafter referred to as the 'CCS Rules'). He was appointed as a Constable in the office of the Deputy Inspector General of Police, CRPF. The respondents subsequently discovered that the petitioner was an accused in the CBI case bearing Case no. RC 01(A)/2009/CBI -ACU-IX in relation to the recruitment scam in Bihar and that he did not disclose this fact regarding pendency of criminal proceedings against



him in his application or during the selection process.

The petitioner was selected as a probationer and therefore, in view of the suppression of such vital information by a government servant who obtained appointment and never disclosed such information during the whole selection process, the impugned order has been issued in exercise of powers under provision P(1) of Rule 5 of the CCS Rule. The order of termination simplicitor is Annexure 1-A of the writ petition.

The petitioner has not disputed or denied that he was an accused in the said CBI case prior to his appointment and that he had not disclosed the said fact to the appointing authority in the selection process.

In view of the aforesaid facts, there is no occasion for this Court to exercise its jurisdiction under Article 226 of the Constitution as the impugned order of termination dated 24.01.2014 does not warrant any interference.

The writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.12.2017
Transmission Date	

