

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

Civil Writ Petition No.24450 of 2017

Date of decision: 27.10.2017

Abhishek Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Aditya Yadav, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has approached this Court under Article 226 of the Constitution of India seeking quashing of action of respondent no.3 since his appointment as Constable in the Police Department has been kept in abeyance in pursuance of advertisement No.8/2015 dated 19.7.2015 (Annexure P/1).

The denial of appointment is stated to be on the ground of registration of criminal case in which the petitioner is stated to have been acquitted as per judgment dated 22.3.2012 (Annexure P/6) by the Court of the Additional District and Session Judge (Fast Track), Jaipur in which he was accused no.2. It is the grouse of the petitioner that in pursuance of the advertisement and the consequent selection process he has come in the zone of consideration for appointment to the post of Constable. On the verification being done, it was confirmed through the office of the Superintendent of Police, Alwar on 29.6.2017 (Annexure P/7) that he had been acquitted in the said case bearing FIR No.8/2011 under Sections 143/341/323/307 IPC, Police Station Lal Kothi, Jaipur City (East). It is his grouse that in such circumstances no further action for appointment has been taken in spite of the legal notice having been served on 15.7.2017 (Annexure P/9).

Counsel for the petitioner submits that the acquittal had been recorded on 22.3.2012 (Annexure P/6) and he had applied for the said post on line on 4.10.2015 and resultantly he had rightly mentioned that he had not been convicted for an offence or charges have been framed involving

moral turpitude or punishable with imprisonment for 3 years or more. It is submitted that once the acquittal had already been recorded in his favour, the information given by him is correct. Resultantly, there is no such ground of concealment which would warrant that his appointment letter should not be issued in his favour.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copies of the writ petition have been supplied.

Keeping in view the above, no useful purpose will be served by calling upon the respondents to file reply, since the decision making process is still to be completed by respondent no.2.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, the present writ petition is disposed of with a direction to respondent No.2 to take a decision on the legal notice dated 15.7.2017 (Annexure P/9) within a period of three months from the receipt of the certified copy of this order.

Needless to say that, in case, any adverse order is to be passed, the same be conveyed to the petitioner by passing a speaking order.

October 27, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No