

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4181 of 2016

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Surendra Kumar Singh, son of Awdhesh Kumar Singh, Resident of village-Suryapura, P.s.- Athmalgola, P.O.- Karjan, District- Patna, State- Bihar, Pin-803211.

.... Petitioner/s

Versus

1. The Union of India through the Regional Director (CR), Staff Selection Commission, 21-23, Lothar Road, Allahabad- 211002.
2. The Regional Director (CR), Staff Selection Commission, 21-23, Lothar Road, Allahabad- 211002.
3. The Director General, Sashatra Seema Bal, Govt. of India, Ministry of Home Affairs, Force Head Quarter, East Block-V, R.K. Puram, New Delhi- 110066.
4. The Inspector General (Personnel), Sashatra Seema Bal, Govt. of India, Ministry of Home Affairs, Force Head Quarter, East Block-V, R.K. Puram, New Delhi- 110066.
5. The Assistant Director (Personnel II), Sashatra Seema Bal, Govt. of India, Ministry of Home Affairs, Force Head Quarter, East Block-V, R.K. Puram, New Delhi- 110066,

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv. Mr. Satyendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. S.D. Sanjay (Addl. Soc. Gen.) Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-03-2018

Heard Mr. Sumit Kumar Singh, learned counsel appearing for the petitioner and Mr. S.D. Sanjay, learned Additional Solicitor General for the Union of India.

The petitioner seeks writ in the nature of mandamus to command the Regional Director (CR), Staff Selection Commission, respondent no.2 as well as the respondent no.5 to consider the case of the petitioner for appointment to the post of Constable/GD pursuant to the selection process held vide advertisement present at



Annexure 1 to the writ petition.

There is no dispute that the petitioner succeeded in the selection process. The dispute is that having succeeded in such selection process the candidature of the petitioner was struck off because the petitioner suppressed his involvement in a criminal case. It is again not in dispute that the petitioner was an accused in a criminal case arising from G.R.P. Bakhtiarpur (Barh) P.S. Case No.47 of 2009. In fact the selection process was initiated sometime in the year 2011-12 and the petitioner was on bail on the said date which again is not disputed by the parties, yet in response to the query present at paragraph 22(iv) of the declaration form the petitioner did not disclose that there was a criminal case pending against him.

It is when an enquiry was conducted by the respondents on a complaint received in this regard it transpired that the petitioner was involved in a criminal case which was pending on the date of filing of the application but the petitioner took refuge under bonafide mistake to avoid his declaration of cancellation of candidature on suppression of information. Obviously the respondents being satisfied that there was a suppression by the petitioner about his involvement in a criminal case and even though the same resulted in acquittal vide judgment and order dated 23.1.2014 at Annexure-11



yet the damage had been done because the involvement in the said case has been suppressed by the petitioner.

Mr. S.D. Sanjay, learned Additional Solicitor General informs that although the petitioner was selected but was never allowed to join.

Mr. Sumit Kumar Singh, learned counsel appearing for the petitioner has laboured hard to draw strength from the judgment of the Supreme Court rendered in the case of **Avtar Singh Vs. Union of India reported in (2016)8 SCC 471** but in my opinion, the opinion expressed at paragraphs 32 and 38.1 of the judgment is itself supportive of the action taken by the respondents, whereby the provisional appointment has been cancelled and the candidature terminated in the light of the stipulation present at paragraph 22(iv) of the declaration which forms part of the terms of selection.

The writ petition is accordingly dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2018
Transmission Date	NA

