

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 283 of 2017

Sant Kumar Tambre S/o Shvicharan Tambre, Aged About 26 Years Caste
Satnami, R/o Village Sukharikala, Police Chowki Urga, Police Station Kotwali
Korba, District Korba Chhattisgarh. **---- Petitioner**

Versus

State Of Chhattisgarh Through Police Station Champa District Janjgir Champa
Chhattisgarh **---- Respondent**

For Petitioner	:	Mr. Gurudev I Sharan, Advocate
For State	:	Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/09/2018

Heard.

1. This petition has been filed by the petitioner seeking declaration in favour of the petitioner and consequent direction that the conviction of the petitioner vide order dated 12.07.2012 in Sessions Trial No.14 of 2012 shall not come in the way of securing employment.
2. On the last date of hearing, this Court directed the State to inform the Court regarding Government's policy in the matter of making appointment in Government services, in such cases, where the candidates have suffered conviction.
3. Learned State counsel submits that the State Government has issued a circular dated 20.12.2007 wherein in the matter of 'character verification' directions have been issued by the Government.
4. Whether or not conviction for a particular offence will render a candidate unfit for employment would essentially depend upon the nature of conviction, gravity of offence and the nature of employment whether public or private, for which, candidatures have been offered.

5. The petitioner has filed this petition seeking a blanket declaration in his favour, which cannot be granted only on hypothetical consideration. In the eventuality of petitioner applying for any employment public or private, an issue of suitability arising for consideration in the context of his conviction under the judgment of the conviction and sentence, referred to above, a cause of action may arise at that stage.

6. In the opinion of this Court, presently, the petitioner has no cause of action at all. In case, the petitioner's candidature is rejected, in any selection process, only on the ground of his conviction, it will be open for the petitioner to seek redressal before the appropriate Forum.

7. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge