

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE N.BALAYOGI

Writ Petition No.16398 of 2017

ORDER: {Per Hon'ble Sri Justice Ramesh Ranganathan }

This writ petition is filed seeking a mandamus to declare the proceedings dated 28.02.2017 issued by the 1st respondent, and the order of the 2nd respondent dated 10.03.2017, as illegal, arbitrary and in violation of Articles 14 and 19 (1)(g) of the Constitution of India. A consequential direction is sought to the respondents to consider the petitioner's case for appointment to the post of Process Server, pursuant to the selection list, vide letter dated 31.05.2016 issued by the 1st respondent; and the memorandum dated 20.06.2016 issued by the 2nd respondent, on par with the other selected candidates.

The petitioner applied for the post of Process Server vide notification dated 02.01.2015. In Column No.14 of the application form, submitted by him for the post of Process Server, the petitioner stated in the negative using the word "no" as to whether he was involved in any criminal case. On his application being considered, he was provisionally selected and appointed as a Process Server on 20.06.2016.

In the attestation form submitted by him, at the time of joining in the said post on 25.06.2016, the petitioner stated that he was arrested and released on the same day in Crime No.190 of 2017 on the file of Anantapuram Rural Police Station for offences under Section 324 read with Section 34 I.P.C; the same was numbered as C.C.No.931 of 2007 on the file of the Additional Judicial First Class Magistrate, Anantapuram; and the same ended in acquittal on 20.02.2009.

On coming to know that the petitioner had suppressed the fact of his involvement in a criminal case, proceedings dated 28.02.2017 were

issued by the 1st respondent directing the Principal District and Sessions Judge, Anantapuram to reject the petitioner's application, submitted pursuant to the notification dated 02.01.2015. The Principal District and Sessions Judge was also directed to re-notify the single vacancy of Process Server, against roster point 5 in I cycle earmarked for Open Category candidates, in the next notification. Pursuant thereto, the Principal District Judge, Anantapuram issued proceedings dated 10.03.2017 informing the petitioner that his application was rejected.

Smt. M.Renuka, learned counsel for the petitioner, would draw our attention to the favourable report forwarded by the Principal District Judge, Anantapuram on 14.12.2016 stating that the criminal case was settled through Lok Adalat six years prior to the petitioner's application for the post of Process Server, and there were no adverse remarks against him. Learned Counsel would submit that the petitioner had sought appointment to the Post of Process Server, his ignorance of law and his erroneous presumption that the words "involvement in a criminal case" meant conviction, should not result in his being denied appointment to the post of Process Server.

On the other hand, Sri J.Anil Kumar, learned Standing Counsel for the High Court, would submit that it is not a case of clean acquittal, and the offence had merely been compounded before the Lok Adalat.

The fact, however, remains that the petitioner failed to disclose his involvement in a criminal case at the time of submission of his application. It is only after he was appointed as a Process Server, and at the time of joining, did he, in his attestation form, disclose this fact. The action of the respondents, in rejecting the application of the petitioner on the ground that he had suppressed the material fact of his involvement in a criminal case, cannot be said to suffer from such a grave illegality as

to necessitate interference in proceedings under Article 226 of the Constitution of India.

The Writ Petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

(N.BALAYOGI, J)

30th July, 2018
JSU



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Date: 30.07.2018

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