

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A. No.1902 of 2017

COMMON ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present writ petition, the appellants are challenging the order dated 12.07.2017 in W.P.No.39561 of 2016 passed by the single Judge of this Court, whereby the writ petition filed by the respondent has been allowed.

In the present appeal it is stated that after the State Government issued G.O.Rt.No.337 Law (LA, L.A.& J-Home-Courts.B) Department, dated 15.04.2015, the respondent applied for the post of Stipendary Police Constable (Civil) Men in response to the notification issued by the 1st petitioner in the year 2012; he was allotted registration No.736692; he underwent the selection process consisting of assessment of physical fitness and also written test; he was then called for medical examination and asked to submit all particulars including as to whether he was involved in any criminal cases. The respondent disclosed that he was A7 in Crime No.49 of 2010 of Habeebnagar Police Station, Hyderabad City and he was innocent of allegation made in the said crime.

After considering the rival contentions of the parties, learned single Judge directed the appellant to issue appointment order to the respondent with all consequential benefits and also to send him for training.

The present appeal is filed on the ground that the State Government issued G.O.Rt.No.337 Law (LA, L.A.& J-Home-Courts.B) Department, dated 15.04.2015 cancelling prosecution of the respondent in Crime No.49 of 2010 and subsequently, it was discovered that the respondent was involved in two more criminal cases i.e. Crime Nos.2 and 3 of 2017 registered on 01.01.2017. According to Column No.11 of the attestation form, which the respondent is supposed to fill, he had the duty to communicate details of the cases also to the competent authority, which amounts to suppression of factual information by him.

On perusal of Column No.11, at page 4 of the Revised Attestation Form, it is mentioned as under:

“Have you ever been arrested by the police, convicted by a Court of law or detained under any state/central preventive detention laws for any offence? Whether such conviction sustained in the Court of Appeal or set aside by the Appellate Court if appealed against.”

Therefore, in the said column, one has to give information regarding if he was arrested by the police, convicted by Court of law or detained under any State/Central Preventive detention laws for any offence. Further any conviction sustained in the Court of Appeal or set aside by the appellate Court if appealed against.

Crime Nos.2 and 3 are registered on 01.01.2017 and the respondent was neither arrested nor detained, nor convicted in the said offences. Though it was not required to disclose that fact in Column No.11, however, the respondent disclosed those facts,

which is, in any sense, is not suppression from the side of the respondent.

In view of the above, we find no ground to interfere with the impugned order passed by the learned single Judge, as no merit in the appeal.

Appeal is accordingly dismissed. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

10.07.2018
kvrn



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J