

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

CWP No.17529 of 2015.

Date of Decision: 04.05.2018.

Ashok Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Baltej Singh Sidhu, Advocate,
for the petitioner.

Ms. Monica Chhiber, Sr. DAG, Punjab.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioner seeks quashing of order dated 07.01.2015 (Annexure P-11) passed by respondent No.2 whereby representation filed by the petitioner for appointing him as Constable was rejected.

Pursuant to advertisement dated 11.09.2010 and 16.09.2010, the petitioner had applied for the post of Constable. He appeared in the test and faced interview and qualified the same. He was medically examined on 13.10.2011. The petitioner was to join his duties on 23.10.2011 however, due to registration of FIR No.190 dated 23.10.2011 registered under Section 306 IPC at Police Station Guru Harsahai, he was not allowed to join his duties. The petitioner faced trial in the aforesaid FIR No.190 dated 23.10.2011 and was acquitted of the charges. He submitted various representations before

the respondents for permitting him to join his duties but to no avail.

The petitioner had to file CWP No. 24206 of 2014 which was disposed of with a direction to the respondents to consider the claim of the petitioner within six weeks from the date of receipt of certified copy of the order. Thereupon, respondent No.2 considered and rejected the claim of the petitioner vide impugned order dated 07.01.2015 (Annexure P-11).

It is contended that once the petitioner has been acquitted of the charges, he cannot be denied the appointment.

On the other hand, the stand taken by the respondents is that after acquittal of the petitioner, a committee comprising Deputy Inspector General of Police, Administration, Punjab, AIG/Personal-I and Legal Advisor at Central Police Office, Punjab, Chandigarh was constituted. The report of the committee is as under:-

“Those who have been acquitted before completion of recruitment process (i.e. declaration of result + six months validity of the waiting list) may be appointed.”

The petitioner's merit list was finalized on 23.09.2011 but he was acquitted on 09.04.2013 i.e. after more than one and a half years, therefore, his case was not covered under the above mentioned policy.

Heard.

It is to be noticed that at the time, the petitioner was

to join his duties, he was involved in FIR No.190 dated 23.10.2011

registered under Section 306 IPC at Police Station Guru Harsahai. Subsequently, he was acquitted vide judgment dated 09.04.2013 passed by Sessions Judge, Ferozepur (Annexure P-3). It has been recorded in the judgment that FIR No.120 dated 01.07.2011 was got registered by the petitioner against Simarjit Kaur, Ranjit Singh, Amarjit Singh and Mukhtiar Singh under Sections 420, 467, 468, 471 and 120-B IPC. On enquiry by Sh. Jatinder Singh, SP(D), it was found that a false FIR was registered by the petitioner against Simarjit Kaur; she was harassed by the petitioner, therefore, she had committed suicide accordingly, the instant FIR No. 190 dated 23.10.2011 was registered under the petitioner. The findings recorded in FIR No.120, dated 01.07.2011 were not assailed by the petitioner.

In **State of M.P and others vs. Prvez Khan 2015 AIR**

(SC) 602) it was held as under:-

“13. From the above observations of this Court, it is clear that a candidate to be recruited to the police service must be worthy of confidence and must be a person of utmost rectitude and must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged, it cannot be presumed that he was completely exonerated. Persons who are likely to erode the credibility of the police ought not to enter the police force.”

In view of the conduct of the petitioner in getting registered a false FIR No. 120 dated 01.07.2011 against Simarjit Kaur and taking into consideration the fact that the acquittal in FIR No.190 dated 23.10.2011 was not an honourable acquittal rather the petitioner

was acquitted because the prosecution witness turned hostile, the Court feels that the petitioner does not deserve to be appointed in the disciplined force.

Consequently, the present petition is dismissed.

04.05.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No