

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

CWP No.330 of 2014.

Date of Decision: 10.01.2018.

Jasvir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Ramesh Chand Sharma, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN.J.

This civil writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to allot constabulary number to the petitioner and allow him to join the duty as Constable.

As per reply filed on behalf of respondent Nos. 1 to 4, the petitioner was recruited as a Constable in Punjab Police by the Senior Superintendent of Police, Kapurthala/respondent No.3 vide letter dated 03.08.2010 Annexure R-1 issued by the Director General of Police, Punjab, Chandigarh. In pursuance of the said order, the case of the petitioner was sent to Senior Superintendent of Police, Shaheed Bhagat Singh Nagar for allotment of constabulary number after character verification. During the process of allotment of constabulary number, it came to the notice of the respondents that the petitioner is

involved in FIR No.60 dated 10.06.2010 registered under Sections 307 and 148 read with Section 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Sadar Kapurthala. It has been further noticed that a cancellation report was prepared which was subsequently accepted by the learned Additional Chief Judicial Magistrate, Kapurthala vide order dated 13.10.2011.

The petitioner has been declined appointment vide Annexure R-3 on account of his involvement in the said FIR.

The process of recruitment commenced in the year 2010 and the last date for submission of application before the Recruitment Board was 11.03.2010. Thus, it is clear that on the date of application and on the date of rejection of claim by the respondent No.2, the petitioner had clean antecedents. Mere on the ground that the petitioner was named in the FIR wherein the State subsequently prepared a cancellation report cannot be taken to be incriminating circumstance against the petitioner. It is a not a case where the petitioner was involved in a crime prior to the initiation of the recruitment process and had concealed the factum of his involvement in the crime. The FIR came to be registered in the interregnum period, therefore, there is nothing on record that the petitioner misrepresented himself or concealed any material fact from the respondents. The cancellation report of the FIR prepared by the State and subsequent acceptance thereof by the competent Court is a declaration of the clean antecedents of the petitioner. When the very foundation of basis of

denial of appointment to the petitioner no longer subsists, the benefit that has accrued in favour of the petitioner in pursuance of the recommendation/letter dated 03.08.2010, Annexure R-1/T, cannot be denied to him.

On 24.07.2017 this Court called the status of the vacancies available in pursuance of the advertisement issued in the year 2010.

Affidavit dated 05.01.2018 filed on behalf of Superintendent of Police (HQ), District Shaheed Bhagat Singh Nagar today in the Court is taken on record. As per the affidavit, 29 posts in District SBS Nagar pertaining to the advertisement in question are still available and beyond these posts, another a total of 236 posts of Constable are also lying vacant in District SBS Nagar.

Accordingly, the present writ petition is allowed. The respondents are directed to allot constabulary number to the petitioner. The letter dated 28.03.2014 (Annexure R-2/T) issued by Director General of Police, Punjab, Chandigarh declining approval for allotment of constabulary number to the petitioner is set aside to that extent.

10.01.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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