

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-36347-2018 (O&M)

Date of Decision:-18.12.2018.

Raghu

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Manoj Chahal, Advocate for the petitioner.

ARUN MONGA, J. (Oral)

1.) *Inter alia*, contends that pursuant to the Advertisement Annexure P-1, recruitment process was carried out by respondent No.2. The petitioner was selected as Soldier (General Duty) as per result sheet dated 29.07.2018 (Annexure P-2). He has been shown at Sr. No.381 among the successful candidates. Contends that the said recruitment process is for the year from 01.04.2018 to 31.03.2019. Yet vide impugned order (Annexure P-6), the petitioner has been directed to submit a fresh character and antecedents certificate from the Deputy Commissioner of Police by 19.12.2018, failing which his candidature is liable to be canceled by 18.01.2019 as stated in the said order.

2.) Learned counsel for the petitioner states that the said fresh character and antecedents certificate has been sought owing to the fact that

vide an FIR bearing No.15 dated 25.01.2018, the petitioner was accused of

being a participant of a group of 25 to 30 aggressive boys carrying *lathis* and *dandas* who were protesting against the release of film '*Padmavati*' at the relevant time.

3.) Notice of motion.

4.) At this stage, Mr. Karan Kumar Jund, Advocate, Central Government Counsel appears and accepts notice on behalf respondent Nos.1 and 2-Union of India.

5.) However, keeping in view the contentions of the learned counsel for the petitioner as noted above and the averments in the writ petition, this petition can be disposed of without any further proceedings/pleadings.

6.) Learned counsel for the petitioner points out that as per the alleged confessional statement of the petitioner recorded by the police on 25.01.2018 (P/4), the petitioner admitted that he was merely present on the spot when the police vehicle came. Upon hearing the police sirens, he tried to flee away from the spot but was caught by the police while all of other boys succeeded in running away.

7.) Be that as it may, for the purpose of disposing the present petition, the merits of the criminal proceedings are not required to be gone into. The Army Recruitment Rally for recruitment of soldiers as per Annexure P-1 itself clearly states that the same is for the period from 01.04.2018 to 31.03.2019. Therefore, the respondent No.2 is directed to maintain status quo with regard to candidature of the petitioner till 31.03.2019.

8.) In the meanwhile until the status quo with regard to the candidature of the petitioner has been directed to be maintained, the learned

Sub-Divisional Judicial Magistrate, Sohna is directed to complete the prosecution evidence and decide the criminal proceedings arising out of FIR No.15 dated 25.01.2018, expeditiously keeping in mind that the livelihood/future of the petitioner is at stake, who is yet to start his career and is only 19 years old. The learned Sub-Divisional Judicial Magistrate, Sohna shall keep in mind that the candidature of the petitioner is valid only till 31.03.2019 and, accordingly, would make attempts to decide the case at least a week prior to the expiry of petitioner's candidature.

9.) Disposed of accordingly.

(ARUN MONGA)
JUDGE

December 18, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.