

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1716 of 2019

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Kumar Roshan Son of Varun Kumar Singh Resident of Village- Ramnagar,
P.O.- Jamalpur, P.S.- Naya, Ramnagar, District- Munger

... .. Petitioner

Versus

1. The Union Of India and Ors through the Inspector General of Police, Central Reserve Police Force (CRPF), having office at Ashiyana Digha Road, Bihar Sector, CRPF, PO and PS- Digha, Town and District- Patna
2. The Deputy Inspector General of Police, Central Reserve Police Force (CRPF) having office at Group Centre, CRPF, Mokamaghat, Town and District- Patna
3. The Commandant, having office at DIGP, Group Centre, Central Reserve Police Force, Mokamaghat, Town and District- Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Tej Bahadyur Singh, Sr. Advocate
Mr. Brisketu Sharan Pandey

For the Respondent/s : Mr.S.D. Sajay (Addl. Solicitor General)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-09-2019 The issue in the instant case is whether termination of petitioner's services under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965, is justified on account of pendency of criminal cases against the petitioner.

Learned Senior Counsel submits that nature of criminal proceedings are such which are based on family feud. This fact was required to be considered by the authorities before terminating petitioner's services.

Mr. S.D.Sanjay, appearing for the Union of India, submits that it is not a case where one case was pending, in fact several criminal cases are pending against the petitioner. The form specifically prescribed the column for disclosure. The petitioner has



consciously omitted to mention pendency of criminal cases.

Submission of the parties have to be viewed in the backdrop of the two judgment of the Apex Court in the case of *Avtar Singh vs. Union of India* reported in *(2018) 1 SCC 268*, and in the case of *Avtar Singh vs. Union of India* reported in *(2016) 8 SCC 471*.

The various aspects of the matter which are required to be considered by the authorities in a case where appointment has been obtained by suppression of criminal case have been enumerated in the said judgments. The case of the petitioner in terms of the law declared by the apex court in the two judgments in *Avtar Singh (supra)*, in the opinion of this Court, is required to be considered by the authorities.

The matter is therefore remanded to the appellate authority to consider the issue afresh and see whether the petitioner would be entitled to any benefit in terms of the judgments of the apex court taken note of hereinabove or whether such circumstances do not exist so as to grant any benefit to the petitioner in the light of the judgment of the apex court. After affording the petitioner opportunity of hearing at the appellate stage the matter be disposed of expeditiously preferably within four months from the receipt/production of a copy of this order. Since the matter is being remanded to the appellate authority the earlier order passed by appellate authority dated 12.8.2018 is quashed.

The writ petition is allowed in the aforesaid terms.

(Madhuresh Prasad, J)

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