

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2990 of 2012

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GIRISH CHANDRA Son Of Nand Lal Sharan Din Resident Of Village Jogta,
P.S. Chandi, District Bhojpur Ara

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. The Director General Of Police, Bihar, Patna
3. The Dy, Inspector General Of Police Personal, Old Secretariat, Bihar, Patna
4. The Superintendent Of Police, Bhojpur Ara
5. The Deputy Superintendent Of Police, Ara
6. The Inspector Of Police, Ara
7. The Officer-In-Charge, Chandi Police Station, District Bhojpur Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.M. Bhartee Mrs. Kiran Sinha
For the Respondent/s	:	Mr.Shiv Kumar, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 04-11-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner had participated in the process of selection for appointment as Sub Inspector in Bihar Police. Candidature of the petitioner has been rejected on account of having suppressed his implication in Chandi P.S. Case no. 71/2006. Rejection is by order of Deputy Inspector General of Police (Personnel) dated 15.07.2011.

It is submitted by counsel for the petitioner that the petitioner much prior to his participation in the selection process had been absolved of the allegation since a final form had been



submitted, since during investigation no evidence had come in support of the allegation made in the FIR. Said fact has been considered by the authorities while rejecting candidature of the petitioner. Other aspect of the petitioner's submission is that proceeding in the criminal case was against accused Devakant whereas petitioner is Girish Chandra.

In view of the aforesaid circumstance, there was no occasion for the instant petitioner who is not an accused person in the said proceeding to know about the same, let alone suppression in the application form on account of non-disclosure of the said case.

Issue which arises for consideration in the instant proceedings stands concluded in light of two decisions of the apex court in the case of **Avtar Singh v. Union of India and others reported in (2016) 8 SCC 471 and (2018) 1 SCC 268**. The apex court has enumerated various parameters on which a case of such nature of suppression of criminal proceeding alleged against an applicant is required to be considered. Law is very clear now in view of decision of the apex court.

Paras 38.7 and 38.8 of the decision in the case of **Avtar Singh (supra) reported in (2016) 8 SCC 471** prima facie appears to be covering the case raised in the instant



proceedings that coupled with the mitigating fact that proceeding arising out of criminal case had been closed by submission of final form. This court would consider it appropriate that the matter be considered afresh in view of the law laid down in the case of **Avtar Singh (supra)**. The appointing authority should consider the matter afresh. To facilitate such fresh consideration order of the Deputy Director dated 15.07.2011 is hereby quashed.

Authority should pass speaking order within four weeks from the date of receipt/production of a copy of this order. Petitioner should also file a representation enclosing a copy of this order.

It is however, made clear that if authority takes a decision to offer appointment to the petitioner then the same would not entail grant of any financial benefit with retrospective effect.

Writ petition stands allowed.

s.hassan/-

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(Madhuresh Prasad, J)

