

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.09.2019
CORAM
THE HONOURABLE Mr. JUSTICE M. DHANDAPANI
W.P.No.10470 of 2018

V. Vijith

... Petitioner

vs

1.The Secretary to Government,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001.

2.The Director General,
O/o. Director General, CRPF,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

3.The Deputy Inspector General,
CISF, Regional Training Centre,
Barwaha Po - Dariya Mahal,
Khargone,
Madhya pradesh.

4.The Superintendent of Police,
O/o. Superintendent of Police,
Cemetery Road,
Mahe - 673 310.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to order dated 29.03.2018 passed by the 3rd respondent vide Serial No.E-37028/KOSub/Riprake (B), Prasha/2(26)/SSC(1st)/2018/2366 and quash the same and direct the respondents to appoint the petitioner in the post of Constable under the respondents in the pay band of Rs.5200-20200 with Grade Pay of Rs.2000/- with effect from 05.04.2017 with all consequential benefits including arrears of pay and allowances.

For Petitioner : Mr.K. Nithayashree

For Respondents : Mr.K.Ramamoorthy, CGC,
for R1 to R3

ORDER

This petition has been filed to quash the order of the 3rd respondent dated 29.03.2018 passed by the 3rd respondent to and direct the respondents to appoint the petitioner in the post of Constable under the respondents in the pay band of Rs.5200-20200 with Grade Pay of Rs.2000/- with effect from 05.04.2017 with all consequential benefits including arrears of pay and allowances.

2.The case of the petitioner is that the petitioner participated in the selection process pursuant to the Notification dated 24.01.2015 issued by the respondents for the post of Constable (GD). Upon successful completion of the Physical Efficiency Test and the Physical Standards Test, he also came out successful in the Written Examination and his name was found in the Merit List at Sl.No.51068. Therefore, he was directed to report before the 3rd respondent for training and accordingly, he joined on 05.04.2017. By communication dated 18.05.2017, he was directed to produce the FIR copies in Crime No.77/2008 and Crime No.141/11 and Judgments in C.C.No.69 of 2010 and S.T.R.No.756 of 2012, wherein he was acquitted with a finding that there is no evidence against him. Accordingly, he submitted the abovesaid documents along with a representation seeking appointment to the post of Constable on 02.06.2017. Thereafter, he submitted a reminder on 23.09.2017. As there is no response from the side of the respondents, the petitioner has come forward with the above Writ Petition seeking for a direction to the respondents to consider and pass orders on the representation of the petitioner.

3.The learned counsel for the petitioner submitted that though the petitioner has been selected for the post of Constable he was not appointed alleging that he has been involved in a Criminal case. It is further stated that he had also been acquitted in the criminal case and submitted a representation in this regard to the respondents seeking to appoint him in the post of Constable.

4.The learned Central Government Standing Counsel for the respondents 1 to 3 contended that it is the duty of the petitioner to disclose the details of the Criminal case along with the application to the respondents. After verification, they found that there are two criminal cases pending against him. However, in one criminal case, his name was found and mentioned as A3. It is gross violation for entering in the Force.

5.The very same issue came up for consideration, the Hon'ble Apex Court in Order dated 02.07.2013 in SLP(Civil) No.3886/2012 and No.4057/2013 filed by the Commissioner of

Police and others v. Mehar Singh has held in Paragraph 28 as follows:

"A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerate in the case because even a possibility of his taking to the life of crime poses a threat to the discipline of the police force."

6.The issue involved in the present case is whether it is necessary for the petitioner to disclose the criminal antecedents or not?. The said issue was already decided by the Hon'ble Apex Court that a person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerate in the case. Further, it is the duty of the petitioner to disclose the details of the Criminal case along with the application to the respondents. Without disclosing the details of criminal antecedents, the petitioner applied for the post of Constable. It is in gross violation for entering into the Force. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

mps

To

1.The Secretary to Government,
Ministry of Home Affairs,
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2.The Director General,
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4.The Superintendent of Police,
O/o. Superintendent of Police,
Cemetery Road,
Mahe - 673 310.

+2cc to Mr.R.Ramamoorthy, Advocate, SR.No.78835.
+1cc to Ms.K.Nithyashree, Advocate, SR.No.79878.

W.P.No.10470 of 2018

VGI (CO)
CSR(12/12/2019)