

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

CWP No. 2136 of 2017

Date of decision : 25.04.2019

Rajbeer Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ramesh Malik, Advocate for the petitioner.

Ms. Anu Chatrath, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has sought a writ in the nature of mandamus to direct the respondents to appoint him as a Constable in District Police Cadre, Ferozepur w.e.f. the date persons lower to him in the selection list were appointed. As per the stand of the petitioner, 7400 posts of Constable were advertised in June 2016. Out of these, certain posts were kept in District Cadre of Police of District Ferozepur. As the petitioner fulfilled all the conditions, he applied for the post. He qualified the physical test. As per the merit, he was found suitable and was, thus, selected. Thereafter, he was asked to undergo medical examination which he underwent. Despite completion of these formalities, petitioner was not offered the appointment. According to learned counsel, this action of respondents is wholly arbitrary. Reply by way of affidavit of Superintendent of Police, (HQ) Ferozepur has been filed. It has been stated therein that during police verification, it was found that in FIR No. 90 dated 16.06.2015 under sections 307, 336, 148, 149

IPC and 25/27/54/59 of the Arms Act, name of the petitioner figures in the cross-version (DDR No.28 dated 16.6.2015). Another FIR No. 172 dated 24.11.2015 under sections 364, 452, 342, 323, 148, 149 IPC and 25/27/54/59 of the Arms Act at police station Makhu stands registered against petitioner. Petitioner concealed this information in his application. He participated in recruitment process knowing fully well that he did not fulfill all the eligibility conditions and had concealed relevant information. I find substance in the plea. It appears that there were two columns in the application ‘form’ seeking information whether the candidate was involved in any FIR or criminal case and whether he had ever been arrested/detained pursuant to same. In answer to both the questions, petitioner replied “No”. Relevant part of the application as reproduced in the affidavit is as under:-

<i>Whether any FIR or criminal case has ever been registered against you?</i>	<i>NO</i>
<i>Have you ever been arrested/detained in any criminal case</i>	<i>NO</i>

In view of gross act of concealment, I am of the considered view that petitioner is not entitled to the relief claimed for. Judgment in *Commissioner of Police and others vs. Sandeep Kumar, 2011(4) SCC 644* is not applicable to facts of the instant case as in the said case petitioner was ultimately acquitted and the candidate was not involved in any serious offences. Thus, a lenient view was taken. In the instant case, however, offences in cross-version against the petitioner are under Sections 307, 341, 336, 427, 148, 149 IPC and 25,27 of Arms Act and in FIR No.172 dated 24.11.2015 under Sections 364, 452, 342, 323, 148, 149 IPC and 25/27/54/59 of the Arms Act. It appears that trial is still pending. Ratio of

ors decided on 31.10.2018 is also not attracted to the instant case as the said case was related to mentioning of wrong category in the online application form. Besides, petitioner, in said case, was a poor widow lady working as an Anganwari Worker. She had filled up the online application form through the help of cyber café in the village. She was not computer/net savvy. However, petitioner in the instant case, is an educated person. Besides, instant is a case of clear suppression of information regarding involvement in criminal cases while seeking appointment in police force. There is, thus, no ground to interfere in writ jurisdiction. Petition is hereby dismissed.

April 25, 2019

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No