

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4934 OF 2011**

- Pushpa Tirkey, D/o Shri Sunder Lal Tirkey, aged about 26 years, R/o near Jila Udyog Kendra, Mission Road, Raigarh, District Raigarh (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Department of Home Affairs, DKS Bhawan, Mantralaya, Raipur, District Raipur (CG)
2. Inspector General of Police, Police Headquarters, Raigarh (CG)
3. Superintendent of Police, Raigarh, District Raigarh (CG)
4. Superintendent of Police, Durg, District Durg (CG)
5. Collector, Raigarh, District Raigarh (CG)

... Respondents

For Petitioner : None appeared.

For Respondent-State : Mr. Jitendra Pali, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/01/2020**

1. The relief sought for by the petitioner through the present writ petition is for an appropriate direction to the respondents to consider her case for the post of Constable (General Duty).

2. Contention of the petitioner is that she had not suppressed any facts so far as her criminal antecedents are concerned. According to the petitioner, she has specifically mentioned in her application form itself regarding the details of her criminal cases and that those criminal cases are pending consideration and therefore pending the criminal cases, the respondents should have permitted the petitioner to be appointed as a Constable (General Duty).

3. The respondents were noticed and they have entered appearance by filing their reply and in their reply they have categorically held that the appointment was to be made in a disciplined force i.e. the police department. That, from the verification of the character of the petitioner it has been found that she was found to be involved in two criminal cases registered against her at Police Station City Kotwali, Raigarh. One as Crime No. 294/2010 for the offence punishable under Sections 452, 294, 323, 34 and 143 of IPC and likewise there was another Crime No. 341/2010 also registered at the same police station for the offence under Section 186, 353, 332 of IPC. So far as the offence under Section 353 is

concerned the same pertains to assault or using criminal force to deter public servant from discharge of his duties and that similar is the offence under Section 186 which too pertains to obstructing public servant in the discharge of his public functions. According to the learned State Counsel, persons with such criminal antecedents would not be advisable to be appointed in the disciplined force of the police department under the respondents. Therefore, though the petitioner was selected for appointment but subsequent to the verification of her character she has been rightly not considered for appointment.

4. It would be relevant at this juncture to take note of the provisions of the Chhattisgarh Police Executive Force, Constable (Recruitment and Conditions of Service) Rules, 2007. Rule 15 of the said Rules deals with the probation period and verification part. In the said Rule, it has been specifically held that on character verification if adverse informations are collected then the persons would not be entitled for appointment.

5. Keeping into consideration the aforesaid rule position as it stands and also taking note of the fact that the appointment was to be made in the police service which is considered to be a disciplined force, this Court is of the opinion that the State authorities cannot be said to have faulted with in not considering the case of the petitioner for appointment in the given factual matrix of the case, particularly taking into consideration the two criminal cases that were registered against the petitioner.

6. The writ petition thus fails and is dismissed accordingly.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE