

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+252

CWP-14244-2019 (O&M)
Date of decision: 05.03.2020

Abhishek Goyat

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The present writ petition has been filed by the petitioner-
Abhishek Goyat *inter alia* with a prayer to direct the respondents to
consider his claim for appointment as Constable.

Notice of motion in this case was issued on 27.05.2019.

Reply has been filed by Shri Surinder Pal Singh, IPS,
Commandant 5th Battalion, HAP, Madhuban, Karnal. In the reply, the stand
taken on behalf of respondent No.2, is as under:-

*“5. That the case of the petitioner has been examined by the
respondent within the framework of statutory rules, and it
has been found that the petitioner Abhishek applied for the
post of constable on 12.02.2019 and was selected by the
Haryana Staff Selection Commission. Thereafter, he was
allotted to this battalion for allotment of regimental number.
His case was sent to SP/Hansi, for verification of his
character and antecedents, who intimated vide his office
letter No.551-VRC dated 27.05.2019 and FIR No.49 dated*

09.04.2018 under Section 498-A, 406, 34 IPC Police Station Bass, Distt. Hansi (Hisar) was registered against him and the matter is under trial before the Hon'ble Court.

That in view of the above stated facts, it is pertinent to mention here that the case of the petitioner is covered under Rule 12.18(3)(b) of PPR, 1934 as the charges have been framed against the petitioner under Section 406, which falls under the category of Moral Turpitude as the Govt. instructions No.17/26.03.1975 (Annexure P-5)

That however, he was involved in section 498-A, 406 of IPC, which entails punishment of 3 years or fine or both (section 406) and 3 years with fine (498-A), which is also clearly falling within the ambit of rule 12.18 (3)(b) of PPR, 1934. Moreover, the matter of the petitioner is under trial before the Ld. Trial Court. Therefore, the petitioner shall not be considered for appointment in view of provisions of rule 12.18 (3)(b). The relevant is same is as under:-

“Where charges have been framed against a candidate for offence(s) involving moral turpitude or which is punishable with imprisonment of three years or more, shall also not be considered for appointment.”

The next contention of learned counsel for the petitioner is that in fact, there is no concealment by the petitioner at the time of submission of the form/verification form.

However, learned counsel for the respondents has shown photocopy of attestation form, wherein, Column 13(a) the petitioner has said 'No' and in this Column 13(a), it was mentioned that 'Have you ever been arrested?'. Learned counsel for the respondents submits that as per verification report dated 25.02.2020, the petitioner was actually arrested in the case FIR number as reproduced above.

Therefore, in view of the above facts, this Court is of the view that the present case is covered by the reasoning in the judgment dated 15.02.2019, passed by this Court in CWP-2042-2018.

This Court relying on the aforementioned judgment, has disposed of the writ petition i.e. ***CWP-17084-2019*** titled as ***Suresh Kumar vs. State***

of Haryana and others on 04.03.2020. The present writ petition is also dismissed in view of the judgment passed in *CWP-17084-2019*.

(GIRISH AGNIHOTRI)
JUDGE

05.03.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No