

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

**CWP No. 16502 of 2020(O&M)
Date of Decision: 18.11. 2020.**

Sukhjeet Singh

..... PETITIONER

Versus

State of Haryana and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner in this case seeks quashing of order dated 29.05.2009 (Annexure P-9), passed by the Commandant 5th BN. HAP Madhuban, Karnal, whereby, petitioner's claim for appointment to the post of Constable(SC category) has been rejected.

Brief facts necessary for the adjudication of the case are that the petitioner had applied for appointment to the post of constable male (category-1),

under the Scheduled Caste category. Petitioner was issued an admit card and he took the examination pursuant to advertisement dated 16.04.2018 on 23.12.2018. Petitioner cleared the examination. The medical examination conducted by the Civil Surgeon, Rohtak, was also cleared. Petitioner secured 54.8 marks. However, he was not offered the appointment letter. CWP No. 11693 of 2020, was filed by the petitioner, which was disposed of on 5.03.2020 (Annexure P-8) along with two other petitions. The petitioner in his earlier writ petition had averred that his name was not reflected in the final merit list, presumably on the ground that FIR under Sections FIR No. 695 dated 25.08.2017, under Sections 124-A, 147, 148, 149, 188, 307, 435, 332, 353, 186, 109, 120-B IPC and Section 25 of the Arms Act, Police Station Sirsa, stood registered against him. It was further stated that details about this FIR had been duly mentioned in the application submitted by him. It was contended that no serious role had been attributed to him in respect to offence punishable under Section 307 IPC and in any case, the same could not be an impediment to his appointment.

While noting that the competent authority had yet to take a final decision regarding issuance of appointment letter to the petitioner, CWP No. 11693 of 2020, was disposed of while directing the respondents to consider the petitioner's case for appointment and pass appropriate orders in accordance with law. There is no expression of opinion on the merits of the matter.

Pursuant thereto, impugned order dated 29.05.2020 was passed rejecting the petitioner's claim for appointment to the post of constable. It is stated in the impugned order that it was incumbent upon the petitioner to have disclosed about the pendency of any criminal case registered against him in the four copies of the verification cum-attestation forms. However, the candidate had failed to disclose this information and the relevant column had been left unfilled/vacant. It is thus observed that non-disclosure of the information as

above, leads to outright disqualification of the candidate as per Rule 12.18 (2) and 12.18 (3) of the Punjab Police Rules (Amended 2015).

Aggrieved therefrom, present writ petition has been filed.

Learned counsel for the petitioner on 27.10.2020 had argued on instructions, that complete information regarding pendency of FIR No. 695 dated 25.08.2017, under Sections 124-A, 147, 148, 149, 188, 307, 435, 332, 353, 186, 109, 120-B IPC and Section 25 of the Arms Act, Police Station Sirsa, was duly mentioned in the petitioner's application form. However, the question of declining the petitioner's claim on the ground that verification-cum-attestation form did not contain the requisite information, was stated to be untenable because verification-attestation forms were in fact, never submitted by the petitioner.

Pursuant to the said averment, learned counsel for the State, to whom an advance copy of the petition had been supplied, was asked to verify the same from the record and file a specific affidavit of the concerned officer, in this respect.

Affidavit dated 09.11.2020 of Sh. Krishan Kumar, HPS, Commandant 5th BN, HAP Madhuban, Karnal, has been filed, wherein the detailed facts have been mentioned. Photocopies of four attestation forms, duly filled by the petitioner have been attached along with the said reply, wherein the relevant column has been left blank.

The petitioner, who seeks appointment to a post in a disciplined force cannot, in the given factual matrix, avail any benefit of the judgement of Hon'ble Supreme Court in **Avtar Singh Vs. Union of India, 2016 (8), SCC 471**. Moreover, the present case clearly falls within the ambit of Rule 12.18 (2) of the Punjab Police Rules (Amendment 2015) as applicable to State of Haryana.

At this stage, learned counsel for the petitioner, seeks to withdraw

this writ petition.

Writ petition is accordingly dismissed as withdrawn with no order
as to cost.

November 18, 2020.
's.khan'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No