

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6592-2017 (O&M)

Date of Decision:- 06.03.2020.

Narinder Deep Singh

.....Petitioner

Versus

Punjab Agricultural University

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. C.M. Chopra, Advocate for the petitioner.

Ms. Amisha Batra, Advocate for
Mr. G.B.S. Nagar, Advocate for the respondent.

SANJAY KUMAR, J. (Oral)

The prayer of the petitioner in this case is to direct the Punjab Agricultural University, Ludhiana, to allow him to join the post of Deputy Director (Training) in its service.

By order dated 01.09.2017 passed in this case, this Court directed the University to keep a post of Deputy Director (Training) vacant.

The petitioner, while working as an Assistant Professor in Khalsa College, Amritsar, submitted his application in response to the advertisement issued by the University proposing to fill up the post of Deputy Director (Training). The petitioner was duly selected for the said post and was issued an offer of appointment, *vide* letter dated 04.08.2016. Thereby, he was required to intimate his acceptance of the offer within 15 days. The University also made it clear that, generally, six weeks time would

be granted to join the post after issuance of the appointment letter.

It is an admitted fact the petitioner failed to disclose in his application form that he was involved in a criminal case at that point of time. The relevant clause in the application form required the petitioner to disclose as to whether he was being prosecuted in a Court of Law for any offence. The petitioner was one amongst the accused in FIR No.36 dated 31.03.2011 on the file of Police Station Cantonment, Amritsar City, registered under Sections 452, 341, 427, 506, 148 and 149 IPC. At the time of submission of his application, the charges had already been framed against the petitioner in relation to this case. Therefore, he was being prosecuted in a Court of Law for criminal offences at that time but chose to withhold the said information and said '*not applicable*' against the relevant clause in the application form. It was only after issuance of the offer of appointment, *vide* letter dated 04.08.2016, that the petitioner submitted letter dated 09.08.2016 stating that this case was pending before the local Court. He claimed that he had forgotten to mention the same in the application form and requested that his case be considered sympathetically. Thereafter, the petitioner submitted letter dated 19.08.2016 stating that due to unavoidable personal reasons, he could not immediately accept the appointment offered to him and requested that more time be given to him to do so.

In its written statement, the University stated that the petitioner had not chosen to give the correct particulars in his application form and it was only when verification of his antecedents was taken up, under intimation to him, that he chose to come clean.

Mr. C.M. Chopra, learned counsel for the petitioner, would contend that the criminal case stood compromised and FIR No.36 of 2011 was quashed by this Court in **CRM-M-46136-2016**, by order dated

20.03.2017. He would place reliance on the judgment dated 17.03.2011 passed by the Supreme Court in ***Civil Appeal No.1430 of 2007***, titled **'Commissioner of Police and others Vs. Sandeep Kumar'**. Therein, the Supreme Court was dealing with suppression of involvement in a criminal case by an applicant for the post of Head Constable. The Supreme Court observed that the applicant may not have mentioned such involvement out of fear that he would automatically be disqualified and that, as the offence alleged against him was not a serious one, a lenient view should be taken in the matter.

Reference may also be made to the judgment of the Supreme Court in **Avtar Singh Vs. Union of India and others, 2016 (4) RSJ 438**, wherein guidelines were laid down with regard to suppression of information or submission of false information, in relation to criminal prosecution, arrest or pendency of criminal cases, in the application form by those seeking employment.

As the University is yet to fill up the post, in the light of the interim order granted in this writ petition, it would be appropriate that the later development in the form of quashing of the FIR against the petitioner is also taken into consideration, while deciding as to whether the suppression of his involvement in that criminal case would disentitle him to appointment to the selected post.

The writ petition is accordingly disposed of directing the University to take a reasoned decision in the matter, after considering all aspects, including the observations made by the Supreme Court in the aforesaid case laws. The University shall afford an opportunity of personal hearing to the petitioner before taking a final decision. The entire

exercise in this regard shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a certified copy of this order.

Pending miscellaneous application shall also stand closed in the light of the above order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

March 06, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.