

CWP-5597-2021

Date of decision : March 09, 2021

PAWAN

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Savita Bhandari, Advocate for the petitioner.

LISA GILL, J.

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

Petitioner seeks setting aside of order dated 23.02.2019 and 28.09.2019 whereby his candidature for the post of SOL GD has been rejected on the ground that he had omitted to mention pending criminal cases against him. Petitioner, whose date of birth is 04.02.1998, participated in the Army Recruitment Hisar Rally in January, 2018. He also took the written test for SOL GD and was provisionally selected for enrolment with Indian Army. After verification, it was found by the authorities that petitioner was involved in FIR No. 181 dated 20.10.2017 under Sections 347, 34 IPC registered at Police Station Alewa as well as in FIR No. 209 dated 07.12.2017 under Sections 186, 332, 353 and 427 IPC registered at Police Station Alewa. Petitioner stood acquitted in FIR No. 181 on 06.04.2018. Petitioner was convicted in FIR No. 209 dated 07.12.2017 vide judgment and order dated 20.10.2008 and acquitted by the learned First Appellate Court on 01.12.2018. Show cause notice regarding cancellation of the petitioner's candidature was issued. Petitioner filed reply. However, his candidature was cancelled on 23.02.2019. Petitioner's representation was rejected on 28.09.2019. Hence, aggrieved, this writ petition has been filed.

I have heard learned counsel for the petitioner and have gone through the file.

Perusal of the file reveals that a specific declaration has been made by the petitioner at the time of submission of his application (Annexure P1) on 04.01.2018 that he is below 18 years of age and his parent has given consent for attending Army Recruitment Rally. Signature of the petitioner's father is available on the application form. Learned counsel for the petitioner is unable to deny that as on 04.01.2018 petitioner was major, his date of birth being 04.02.1998. Argument that the column regarding pendency of any civil and criminal case was left unfilled due to an inadvertent mistake, is not acceptable. The very fact that petitioner though major on the date of submission of his application has projected himself to be a minor and has withheld relevant material facts is sufficient to reject the candidature of the petitioner for recruitment to the disciplined force. There is no reasonable or plausible explanation for the default. I do not find any illegality or infirmity in the decision of the respondent – authorities in cancelling the candidature of the petitioner for enrolment with the disciplined force.

Accordingly, present petition being devoid of any merit is dismissed.

March 09, 2021
rts

(Lisa Gill)
Judge

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