

CWP-8101-2021

Date of Decision : 06.12.2021

Ashok Kumar

...Petitioner

Versus

State of Haryana through Secretary and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Sukhsandesh Singh Chahal, Advocate for
Mr. Keshav Pratap Singh, Advocate for the petitioner

B.S. Walia, J. (Oral)

1. Prayer in the petition under Articles 226 / 227 of the Constitution of India is for the issuance of a writ, order or direction especially in the nature of Certiorari for quashing order Annexure P/11 dated 13.03.2020, passed by the Commandant, 3rd Battalion, HAP, Hisar, vide which the claim of the petitioner for the post of Constable in Haryana Police has been dismissed. Prayer is also for the issuance of a writ in the nature of Mandamus for directing the respondents to appoint the petitioner as Constable, Male (GD), in Haryana Police as he successfully cleared the written statement as well as physical standard test.

2. Learned counsel contends that the petitioner applied for the post of Constable Male (GD) in Haryana Armed Police in response to advertisement Annexure P/1 dated 19.07.2015 and on the basis of selection process was declared successful vide Roll No.1001170622 but in case FIR No.74 dated 29.02.2015, registered U/s 66-A/67 of the

Rohtak, details of which had been mentioned by the petitioner in the application form, the petitioner was convicted by the learned JMIC, Meham, vide judgment dated 14.06.2018 and sentenced to undergo two years imprisonment and fine of Rs.1,000/-. The petitioner filed an appeal and vide judgment dated 01.07.2019, the learned Sessions Judge, Rohtak, set aside the judgment of conviction and sentence and released the petitioner on probation for a period of one year while directing him to maintain peace and good behavior.

3. Thereafter, the petitioner submitted representation Annexure P/9 to the Superintendent of Police, 3rd Battalion, Armed Police, Hisar for appointment on the post of Constable. However, the same was rejected by the Commandant, 3rd Battalion, Armed Police, Hisar, vide order Annexure P/11 dated 13.03.2020.

4. Learned counsel contends that once the petitioner has been released on probation, the disqualification attaching to the conviction did not subsist in view of Section 12 of the Probation of Offenders Act, 1958, therefore, the petitioner was entitled to be appointed as Constable Male in the Haryana Police.

5. I have considered the submission of learned counsel.

6. Admittedly, FIR No.74 dated 29.02.2015, stood registered against the petitioner under Section 66-A/67 of the Information Technology Act, at Police Station Meham, District Rohtak, at the time when the petitioner applied for the post of Constable in Haryana Police in response to advertisement No.1 dated 19.07.2015. Result of the selection was declared

635 dated 26.06.2017, the Secretary, Haryana Staff Selection Commission, Panchkula, recommended the names of selected candidates for appointment as Constable in the Haryana Police. The validity of the recommendation of the select list is one year in terms of instructions dated 07.10.1998, issued by the Chief Secretary, Govt. of Haryana, whereas the petitioner was convicted by the learned JMIC, Meham on 04.06.2018 and was released on probation only on 01.07.2019 and thereafter applied for appointment in terms of selection vide Annexure P/9 dated 04.10.2019 i.e. much beyond the validity period of the list. The claim of the petitioner has been rejected being time barred i.e. beyond the validity period of the recommendation list as made vide letter No. HSSC/Confid.Recomm/Police/2017/635 dated 26.06.2017, by the Secretary, Haryana Staff Selection Commission, Panchkula. There is no challenge to instructions dated 07.10.1998 or the validity period of recommendation list from the date of issuance of letter dated 26.06.2017.

7. Accordingly, finding no merit in the writ petition, the same is dismissed in limine.

(B.S. Walia)
Judge

06.12.2021
rajesh

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