

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3805 of 2021

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Ravi Kumar Singh, S/o Satyendra Singh, resident of Sirisiya, P.S.- Rivilganj,
District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. Director General of Police, Bihar Police Academy, Rajgir, Bihar.
3. The Secretary, Bihar Police Junior Service Commission, Patna.
4. The Inspector General of Police (Headquarter), Bihar, Patna.
5. Deputy Inspector General, Saran Range, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Harish Kumar, Advocate
For the State	:	Mr. Suman Kumar Jha, A.C. to AAG-3
For the BPSSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 11-10-2022

By the instant writ application, petitioner seeks quashing of the order dated 21.03.2020, whereby and whereunder the Deputy Inspector General of Police, Saran Range, Chapra ('DIG', in short) has held the petitioner to be ineligible for enlistment as a Sub-Inspector in the Bihar Police Force (hereinafter referred to as 'the Force'). The order has been passed under Rule 673(c) of the Bihar Police Manual, 1978 (hereinafter referred to as 'the Manual').

2. The relevant factual background is that the petitioner was an applicant pursuant to Advertisement No.01/2017 published



inviting applications from desirous candidates for appointment as Sub-Inspector of Police. The petitioner was recommended for appointment, testimonials were verified and he was medically examined and found fit in all respects for appointment as Sub-Inspector.

3. Rule 673 of the Manual provides for verification roll to be prepared on the prescribed form P.M.101. Literate persons like the instant petitioner are expected to fill in the verification form and sign the answers themselves. Thereafter the same is to be verified from the home district of every candidate for appointment to the post of Sub-Inspector, Reserve Sub-Inspector and Constable or any ministerial post in the Bihar Police. After return of the roll with a report that the man bears a good character and has made a truthful statement as to his antecedents, the Superintendent of Police is required to initial this entry, whereafter the verification roll is to be entered in the service-book and filed. On the other hand, if the character of the man is reported to be bad or his declarations/statements made in the verification roll to be false, he is required to be removed from the Force.

4. In the instant case, during verification of the petitioner's candidature it was discovered that the petitioner was earlier an accused in Rivilganj P.S. Case No.12/2010 dated



23.01.2010, for alleged offences under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code. The petitioner had been acquitted in the said case on the basis of a compromise by order dated 25.07.2016 in the trial, bearing Tr. No.774 of 2016, arising out of the said Rivilganj P.S case.

5. Admittedly, the petitioner had not disclosed his implication in Rivilganj P.S. Case No.12/2010 while filling up the verification roll. It is in this background that the impugned order has been issued by the DIG holding the petitioner to be ineligible for enlistment/appointment in the Force because the petitioner was named accused in the said case, wherein he was chargesheeted and cognizance had been taken by the court. The petitioner was acquitted based on a compromise between the parties and resultant lack of evidence. The DIG was thus of the opinion that keeping in view the gravity of the allegations, it cannot be treated as a case of honourable acquittal and therefore, the petitioner was ineligible in terms of Rule 673(c) of the Manual.

6. The petitioner's counsel has submitted that at the time of filling up the application for appointment or the verification roll, the petitioner had already been acquitted in Rivilganj P.S. Case No.12/2010. He therefore did not consider his implication in the said P.S. case to be of any significance so as to require



mentioning of this fact in the verification form. He submits that since he was acquitted on 25.07.2016, non-mentioning of his implication in the criminal case in the process of selection initiated much later by advertisement dated 16.09.2017, is of no consequence.

7. It is also submitted by the petitioner's counsel that there was no basis for the DIG to arrive at a conclusion that the petitioner's acquittal was not an honourable acquittal. It is further submitted that whether acquittal of the petitioner was honourable or not, is not a relevant consideration for the purposes of Rule 673(c) of the Manual. Petitioner's counsel has thus submitted that the impugned order is unsustainable in law and fit to be quashed.

8. The State Counsel, on the other hand, submits that since the fact of non-disclosure of the petitioner's implication in the criminal case is not denied or disputed, it is admitted that he had not made a truthful statement as to his antecedents while filling up the verification roll. The acquittal based on compromise, due to lack of evidence is not an honourable acquittal and therefore it cannot be said that the petitioner bears a good character. In view of these facts, the consequence of petitioner's removal from the Force or denial of enlistment in the Force as contemplated under Rule 673(c) of the Manual cannot be faulted



in any manner. The impugned order dated 21.03.2020 therefore requires no interference by this Court.

9. On consideration of the above noted rival submissions and admitted position regarding non-disclosure by the petitioner, this Court has to take into consideration the relevant provision contained in Rule 673 of the Manual, which reads as follows:

"673.(a) *Verification roll*.-- A verification roll shall be prepared in P.M. Form no.101 and sent for verification to the home district of every candidate, for the post of Sub-Inspector, Reserve Sub-Inspector and Constable or any ministerial post.

(b) In the case of semi-literate men such as those recruited under relaxation of minimum educational qualification in rule 663 the questions on the roll shall be put to the candidate by the reserve officer, or an officer nominated for the purpose by the Superintendent, and that officer shall write down the answers, sign these with his full signature and produce these, together with the candidate, before the Superintendent. Literate persons shall fill in and sign the answers themselves. The Superintendent, if satisfied with the answers, will sign the roll, have the impression of the man's left thumb taken in the space provided and pass an order for his enlistment.

(c) *Enlistment orders*.--The order for enlistments shall then be entered in the order book, the service book shall be prepared and the verification roll despatched to the Superintendent of the district in which the recruits home is situated. The number and date of despatch shall be noted in the proper place in



the service-book, and on the return of the roll with a report that the man bears a good character and has made a truthful statement as to his antecedents, the Superintendent shall initial this entry, have the necessary entry made in the service-book and order the verification roll to be filed. If the character of the man is reported to be bad or his statement false, he shall be removed from the force."

10. The P.M. Form no.101 requires an applicant like the petitioner to disclose whether he has ever been accused in a criminal or civil case or has ever been in prison. Clause 7 of the Form no.101 reads as follows:

"7. Whether applicant has ever been accused in a criminal or civil case or has ever been in prison. Give details."

11. The requirement of disclosure of implication in the criminal case is apparent from plain reading of the Rule with Clause 7 of the verification form (PM Form 101). It is also apparent from bare perusal of the above quoted Rule 673(c) that if disclosure/statement made in the verification form is found to be false or character reported to be bad, then the consequence of removal from the Force is explicit under the rules. Therefore, the stand of the petitioner that he had not disclosed his implication in the criminal case on account of his acquittal prior to initiation of the process of selection in which he applied, is clearly



unsustainable. Clause 7 of Form no.101 does not require disclosure of only pending criminal case, but requires disclosure of the fact whether applicant "has ever been" accused in a criminal or civil case. The Rule is unambiguous in its requirement and there is no basis for any applicant to understand or arrive at an opinion that if accusation in a criminal case has led to his acquittal, then the same is not required to be disclosed.

12. The other submission on behalf of the petitioner that there was no scope of going into the issue whether the acquittal was honourable or not, and also to conclude that the acquittal was not an honourable acquittal is, in the opinion of the Court, equally unsustainable in law. As per Rule 673(c), if in the process of verification roll, the character of the applicant is reported to be "bad", then also candidate is required to be removed from the Force/denied enlistment.

13. It is not in dispute that the petitioner's acquittal was due to lack of evidence and because the parties had entered into a compromise. Such acquittal cannot be said to be an honourable acquittal, which is evident from the bare perusal of recent decision of the Apex Court in the case of *Union of India and others vs. Methu Meda*, reported in (2022) 1 SCC 1. Paragraphs 20 and 21 of this judgment contain expression of the law governing the two



submissions advanced on behalf of the petitioner that there was no basis to conclude that his acquittal was not an honourable acquittal, or that the fact of acquittal being an honourable acquittal or not, was an irrelevant fact.

14. Paragraphs 20 and 21 of the judgment in the case of *Methu Meda* (supra) are considered useful to be reproduced and reads as follows:

"20. In view of the aforesaid, it is clear the respondent who wishes to join the police force must be a person of utmost rectitude and have impeccable character and integrity. A person having a criminal antecedents would not be fit in this category. The employer is having right to consider the nature of acquittal or decide until he is completely exonerated because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening Committee and the decision of the Committee would be final unless mala fide. In *Pradeep Kumar [State (UT of Chandigarh) v. Pradeep Kumar, (2018) 1 SCC 797 : (2018) 1 SCC (Cri) 504 : (2018) 1 SCC (L&S) 149]*, this Court has taken the same view, as reiterated in *Mehar Singh [State v. Mehar Singh, (2013) 7 SCC 685 : (2013) 3 SCC (Cri) 669 : (2013) 2 SCC (L&S) 910]*. The same view has again been reiterated by this Court in *Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347 : (2021) 2 SCC (L&S) 745]*.



21. As discussed hereinabove, the law is well-settled. If a person is acquitted giving him the benefit of doubt, from the charge of an offence involving moral turpitude or because the witnesses turned hostile, it would not automatically entitle him for the employment, that too in disciplined force. The employer is having a right to consider his candidature in terms of the circulars issued by the Screening Committee. The mere disclosure of the offences alleged and the result of the trial is not sufficient. In the said situation, the employer cannot be compelled to give appointment to the candidate. Both the Single Bench and the Division Bench of the High Court have not considered the said legal position, as discussed above in the orders [*Union of India v. Methu Meda*, 2013 SCC OnLine MP 10701] · [*Methu Meda v. Union of India*, Writ Petition No. 3897 of 2013, order dated 27-9-2013 (MP)] impugned. Therefore, the impugned orders passed by the learned Single Judge of the High Court in *Methu Meda v. Union of India* [*Methu Meda v. Union of India*, Writ Petition No. 3897 of 2013, order dated 27-9-2013 (MP)] and the Division Bench in *Union of India v. Methu Meda* [*Union of India v. Methu Meda*, 2013 SCC OnLine MP 10701] are not sustainable in law, as discussed hereinabove."

15. The decision of the Apex Court is clear in its expression and leaves no room for doubt that the petitioner's acquittal, being based on compromise and resultant lack of



evidence, cannot be said to be an honourable acquittal. Once the acquittal is not an honourable one, this Court would observe that the authority was well within its jurisdiction to arrive at a conclusion that the character of the petitioner was not acceptable for the purposes of Rule 673(c) of the Manual.

16. In the instant case, this Court finds in the above discussions that there is material to arrive at a conclusion that the petitioner's character is not acceptable. There is also no dispute that the petitioner has not made a truthful statement; or that he has made a false statement while filling up the verification roll in so far as accusation in a criminal case is concerned, which he has admittedly not disclosed.

17. Therefore, apart from the fact that the petitioner was disentitled for enlistment for not making a truthful statement regarding his antecedents; this Court would observe that there was sufficient material to conclude that he was a man of bad character for the purposes of Rule 673(c) of the Manual.

18. This Court, therefore, is of the opinion that the impugned order does not require any interference as the opinion regarding suitability of the petitioner's candidature for appointment as Sub-Inspector is based on relevant material and in accordance with Rule 673(c) of the Manual. Such exercise of discretion by the



employer, having regard to the judgment of the Apex Court in the case of *Methu Meda* (supra), taken note of above, does not require any interference.

19. The writ application is dismissed.

(Madhuresh Prasad, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

