

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7893 of 2012

Kshirodra Ping

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Petitioner

Mr. P.K. Nayak, Advocate

Vs.

State of Orissa & Ors.

.....

Opposite Parties

Mr. B.P. Tripathy, A.G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

06.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Nayak, learned counsel for the petitioner and Mr. B.P. Tripathy, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition seeking to quash the order dated 22.02.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1893(C) of 2008 under Annexure-6, and to issue direction to the opposite parties to allow him to join as Sepoy under Hatibadi (T) Commandant OSAP, 4th Bn. Rourkela.

4. Mr. P.K. Nayak, learned counsel for the petitioner contended that the petitioner was duly selected and appointed as Sepoy by facing regular selection process. A verification roll was filled up by the petitioner, after being temporarily appointed as Sepoy in OSAP (SS) 1st Battalin, Sambalpur, where he himself described that he had never been arrayed as accused in a criminal case or had never been in prison.

Therefore, he was given employment as sepoy. But on verification, it was found that the petitioner was charge-sheeted in Laikera P.S. Case No. 88 dated 05.07.2005 under Section 376 of IPC and had been arrested in the said case on 02.09.2005 and forwarded to the Court on 03.09.2008. Thereby, he was called upon to file show cause within seven days, which he complied with. On the consideration of the same, as per the PMR-668 and 673 (c), pursuant to order dated 17.07.2008, he was communicated vide letter dated 26.07.2008, that he has been removed from service. The said order was assailed before the tribunal forum but the same was confirmed. Against the order of confirmation of removal from service passed by the tribunal, the petitioner approached this Court.

5. Mr. B.P. Tripathy, learned Additional Government Advocate contended that the verification roll contains specific clause-7 with regard to information “whether the applicant has ever been accused in a criminal case or has ever been in prison. If so, give details.” in which the petitioner has given reply as “No”. But fact remains, the petitioner was involved in a criminal case and charge-sheeted under Section 376 of IPC and he was remained in custody for sometime. Thereby, giving wrong information, the petitioner has got benefit pursuant selection made by the authority. Thereby, after giving due opportunity of hearing, the order of removal from service was passed and, therefore, no illegality or irregularity has been committed by the authority.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the requirement of recruitment is to provide correct information

by the candidate himself. Therefore, in the verification roll no. 607 as per PMR 693, the petitioner was called upon to provide all the information and as such Column-7 of verification roll required that the petitioner has to furnish information whether he has ever been accused in a criminal case or has ever been in prison, If so, give details. Admittedly, the petitioner was accused in Laikera P.S. Case No. 88 dated 05.07.2005 registered under Section 376 of IPC, in connection which, he was arrested in the case on 02.09.2005 and forwarded to custody on 03.09.2005. He remained in prison for some time, may be as under trial prisoner. But the petitioner has filled up against column-7 as “No”, as a consequence thereof, the petitioner had suppressed the material facts before the authority concerned in his verification roll which was issued under PMR-673.

7. Even though subsequently the petitioner was acquitted in S.T. Case No. 34 of 2006 arising out G.R. Case No. 925 of 2005, but ipso facto the same cannot enure to the benefit of the petitioner, as he himself had given wrong information in the verification roll. Thereby, the tribunal, referring to various judgments of the apex Court, has come to a conclusion, that since the petitioner has intentionally suppressed the material information in the verification roll, may be anticipating that in case he disclosed the actual fact he may be terminated from his services, and held that the relief as has been sought by the petitioner cannot be granted, and accordingly dismissed the original application.

8. In that view of the matter, this Court does not find any illegality or irregularity in the order dated 22.02.2012 passed by the Tribunal in O.A. No.1893(C) of 2008 so as to cause

interference with the same. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE

Ashok/ Sukanta

