

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA No.234 of 2022 (O&M)
Date of Decision :24.03.2022**

Ashok Kumar

.....Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Anurag Goyal, Advocate for the appellant.

Mr. Deepak Balyan, Addl.A.G. Haryana.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This Letters Patent Appeal has been filed by the appellant being aggrieved by an order and judgment dated 06.12.2021, passed by the learned Single Bench of this Court in CWP No.8101 of 2021, whereby the petition preferred by the petitioner for quashing the order dated 13.03.2020, passed by the Commandant, 3rd Battalion, HAP, Hisar-respondent No.5, denying appointment to the petitioner to the post of Constable in Haryana Police, has since been dismissed.

Learned counsel for the appellant submits that the petition filed by the appellant was dismissed solely on the ground that the select list was valid only for a period of one year which had lapsed and, therefore, the claim of the appellant for appointment could not be considered. He submits that the reliance placed by the authorities as also the learned Single Judge upon the

instructions, dated 07.10.1998, is wholly misplaced. For, the said instructions have no relevance to the main select list of the candidates, and was issued to clarify the validity period of waiting list. Further, it is urged that it was impossible for the appellant to join during the alleged validity period of the select list i.e. 26.06.2017 to 26.06.2018. For, initially he was not permitted to join owing to a criminal case pending against him and subsequently on 14.06.2018, he was convicted and sentenced to undergo imprisonment for two years.

We have heard the learned counsel for the appellant.

On perusal of the record, it is evident that the advertisement, pursuant to which the petitioner had applied, was issued on 19.07.2015, and the select list of the candidate was published on 23.06.2017. As observed by the learned Single Bench, in terms of the instructions dated 07.10.1998, issued by the State of Haryana, the validity period of the recommendations of the select list was one year, that is, upto 22.06.2018.

It is an admitted fact that prior to issuance of the advertisement dated 19.07.2015, an FIR No.74, dated 24.02.2015 (though stated to be 29.02.2015 in the impugned order), under Sections 66-A/67 of the Information Technology Act, was registered at Police Station Meham, District Rohtak, against the appellant. Concededly, the appellant was thereafter convicted by the competent Court on 14.06.2018, and on 15.06.2018 was sentenced to undergo imprisonment for two years. During the hearing of the appeal filed by the appellant against his conviction, he chose not to press the matter on merits and rather appealed to the Court to take a lenient view as he was a first offender

and an educated person. Accordingly, the Sessions Judge, Rohtak vide order dated 01.07.2019, released him on probation of good conduct and behaviour, under Section 4 of the Probation of Offenders Act, 1958, for a period of one year.

The appellant, post release by the Sessions Court and pursuant to the select list published on 23.06.2017 and after its life was over in June, 2018, vide an application dated 04.10.2019, requested the authorities to issue the letter of appointment in his favour. The said application/representation was rejected by respondent No.5 vide order dated 13.03.2020, taking into consideration all attending circumstances and particularly the fact that validity of the select list had already lapsed.

It is not disputed that the select list was published by the authorities on 23.06.2017, and in terms of the letter dated 26.06.2017, issued by the Commission, the same was valid only for a period of one year i.e. up to 23.06.2018. Whereas, the appellant, after he was released, applied for appointment on 04.10.2019, that is, well beyond the period of one year. Thus, apparently, the appellant, be that on account of his prosecution or conviction, failed to join by the stipulated date and time. Rather, after almost 1½ years, post his release on probation, he approached the authorities on 04.10.2019 (Annexure P-9), to issue him a letter of appointment. Though it is sought to be urged that the instructions dated 07.10.1998 were relevant only qua the waiting list and defined its validity period, and has no correlation with the main select list of the candidates: upon being pointedly asked, no such notification has been placed on record in support of such a submission when asked whether the

select list dated 23.06.2017 could remain operative for an indefinite period or for a period of over two years as is the case in the matter at hands, learned counsel for the appellant could not substantiate the argument or cite any rule/circular/instructions in this regard.

Apart from the above, after the name of the appellant was shown in the select list, and during the pendency of his appeal against conviction he was asked to fill up a verification form wherein against column 13(1)(b) & (j), he did not disclose that he was being prosecuted in a criminal Court. It is also evident that in the details that were required to be furnished by the appellant below these columns, he had not mentioned the FIR number or the Court before whom he was being tried.

Upon being pointedly asked, learned counsel for the appellant could not show if the conclusion recorded by the learned Single Judge suffers from any material illegality or contrary to the records.

The appeal being devoid of merit is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.03.2022
Manoj Bhutani/Rajan

Whether speaking/reasoned	Yes
Whether reportable	No