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

**CWP No.10051 of 2019 (O&M)
Date of Decision: 30.01.2023**

LABH SINGH

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Nikhil Lather, Advocate for
Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari, quashing the order of dismissal dated 20.11.2017 passed by the Commandant 4th Bn. H.A.P., Madhuban and order dated 20.03.2018 passed by the Inspector General, Haryana Armed Police, Madhuban.

[2]. The Haryana Police Recruitment Board, Panchkula issued advertisement dated 08.11.2013 inviting applications for recruitment for the post of Male & Female Constable (General Duty) in Haryana Police. As per advertisement, in respect of

criminal proceedings and details thereof, three informations were to be incorporated in the application form with regard to registration of criminal case, status of that case and pendency of any criminal case in any court of law. The petitioner filled the aforesaid informations correctly by mentioning the registration of criminal case and by denying the other two columns.

[3]. An FIR No.472 dated 07.09.2006 was registered against the petitioner and others under Sections 148, 149, 323, 452, 427, 160 IPC at Police Station City Kaithal in which charges were framed on 19.05.2007. The prosecution could not establish its case for want of prosecution witnesses supporting the prosecution case. Ultimately nothing incriminating could be brought against the petitioner and, therefore, the statement of accused under Section 313 Cr.P.C. was dispensed with and the petitioner and others were discharged vide judgment and discharge order dated 17.07.2007. The advertisement dated 08.11.2013 could not be materialized and was dropped. Thereafter, fresh advertisement was made on 19.07.2015, wherein the requirement of disclosure regarding criminal proceedings was materially changed on the basis of amendment in the Rule 12.18 of the Punjab Police Rules which was carried out in the year 2015.

[4]. In view of aforesaid amendment, the requirement of disclosure as regards criminal proceedings was incorporated in

the following manner:-

“Are you convicted for an offence OR charges have been framed involving moral turpitude or punishable with imprisonment for 3 years or more?”

[5]. The petitioner filled his application form by mentioning 'NO' against the relevant column. The petitioner was selected and constabulary number was also allotted to the petitioner. On being detected, the aforesaid wrong filling of application form the constabulary number of the petitioner was dispensed under Rule 12.18(4) of the Punjab Police Rules vide order dated 20.11.2017 passed by the Commandant 4th Bn. H.A.P., Madhuban and the petitioner remained unsuccessful in his appeal before the Inspector General, Haryana Armed Police, Madhuban.

[6]. Learned counsel for the petitioner with reference to the initial column no.18 of the of the first application submitted that the petitioner correctly filled the application and he always remained under delusion that the requirement in second application form has to be filled in the same manner. The petitioner had already been discharged on the date of filling of the second application form pursuant to the second advertisement of the year 2015. As on the date of filling of application form, there were no proceedings pending against the

petitioner. No charges were framed against the petitioner involving any moral turpitude or defect in character.

[7]. During course of arguments, learned counsel for the petitioner submitted that the error crept in the second application form due to the *bona fide* of the petitioner and after the amendment in Punjab Police Rules in the year 2015, the disclosure is on mandatory note. Rule 12.18 of the Punjab Police Rules relates to the verification of character and antecedents. After allocation of constabulary number to the petitioner, furnishing of wrong information in the application form came to fore.

[8]. As per Rule 12.18(2), the candidate shall disclose the fact regarding registration of FIR or criminal complaint against him for any offence under any law along with the current status of such case in the application form and verification cum attestation form irrespective of the final outcome of the case. Non-disclosure of such information shall lead to disqualification of the candidate outrightly, solely on this ground.

[9]. The aforesaid mandatory requirement has virtually foreclosed the right of the petitioner. Even Rule 12.18(3)(b) of the Punjab Police Rules requires that where the charges have been framed against a candidate for offence(s) involving moral turpitude or which is punishable with imprisonment for three years or more, shall also not be considered for appointment.

[10]. In view of mandatory requirement of the amended rule, there is no scope of interference based on *bona fide* of the petitioner in believing requirement of filling relevant column of criminal proceedings. The requirement being specific in nature leaves no room for any latch or omission. The Rule prescribes that non-disclosure of such information would lead to disqualification of the candidate outrightly, solely on this ground.

[11]. In view of aforesaid, the disqualification of the petitioner is on legal parameters and, therefore, there is no scope for interference in this petition. The petition stands dismissed.

January 30, 2023

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No