

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1817 of 2018

In
Civil Writ Jurisdiction Case No.2701 of 2018

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Ankush Kumar Son of Soti Paswan resident of village- Billiya, Eard no.-08,
Police Station-Kharagpur, District-Munger.

... .. Appellant/s

Versus

1. The Union Of India
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Directorate General, C.R.P.F., CGO Complex, New Delhi.
4. The Medical Officer, Sadar Hospital, Munger, Bihar.
5. The Medical Officer, Commandant M.E.D. 56th BN, SSB, Araria, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Garg, Adv
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For Union of India	:	Mr. Alok Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 03-07-2024 Appellant has assailed the order of the learned Single Judge dated 20th November, 2018. Core issue involved in the lis is whether appellant has suppressed information to the selecting authority for the post of Constable (G.D.) or not. Suppression of such material information relating to criminal case would be a hurdle for the selection and appointment to the post of Constable (G.D.) in the Central Industrial Security Force or not.

In the attestation form against column No. 12 (B)
“Have you ever been prosecuted” the appellant had indicated



“No”. After due selection and appointment, appointing authority has noticed that appellant had suppressed the pendency of criminal case registered in the year 2014 for various offences including Section 307 I.P.C. The learned Single Judge has taken note of material information which has been suppressed by the appellant and so also giving false declaration while submitting attestation form and proceeded to dismiss the C.W.J.C. No. 2701 of 2018.

3. Learned counsel for the appellant submitted that column No. 12 in the attestation form was a *bona fide* mistake. He further submitted that in the criminal case registered in the year 2014 the appellant has been acquitted in the criminal case. Therefore, the learned Single Judge has committed error in not appreciating the acquittal in the criminal case.

4. It is to be noted that as on the date of filing the attestation form for the post of Constable (G.D.), criminal case was pending against the appellant. Therefore, it is a clear case of false declaration for the purpose of claiming selection and appointment to the post of Constable (G.D.) in the Central Industrial Security Force.

5. The appellant's acquittal in the criminal case may be relevant if he had disclosed pendency of criminal case in the



attestation form. The appellant while entering into service itself had suppressed the material information and his intention is to join disciplined force like the Central Industrial Security Force. With this background or conduct of the appellant, the appellant has not made out a case so as to interfere with the learned Single Judge order dated 20th November 2018 in C.W.J.C. No. 270 of 2018.

Accordingly, L.P.A stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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