

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7517 of 2018

Kamlesh Kumar Yadav S/o Late Barmeshwar Singh Yadav Resident of
Village - Bahadurpur Chousa, P.S. - Buxar M, District - Buxar.

... .. Petitioner/s

Versus

1. Union Of India
2. Deputy Commandant Group-Centre, Central Reserve Police Force,
Jhapahan, Muzaffarpur, District – Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

2. The present writ petition has been filed for directing the respondent authority to accept the joining of the petitioner on the post of constable/Driver in CRPF who has been already selected for the aforesaid post and his joining letter was issued on 17.01.2018 in which a direction was given to join the service till 15.02.2018, but the petitioner went to join the service on 10.02.2018 and reported to the authorities, but his joining was not accepted due to the pendency of the criminal case bearing Buxar (M) P.S. Case No.224 of 2017 for the offence under section 30(a) of the Excise Act.

3. Counsel for the petitioner submits that he has been falsely implicated in the criminal case due to dirty village politics and enmity. He further submits that the petitioner has been granted bail by the Hon'ble Patna High Court vide order dated 23.11.2017 vide Cr. Misc. No.54170 of 2017.



4. Counsel further submits that the petitioner has filed his representation to the authorities in this regard on 07.03.2018 and again requested to accept his joining. He submits that the petitioner is a poor person having good qualification and very well selected for the post of Constable-Driver in the aforesaid department.

5. Counsel further submits that the writ petition may be allowed in his favour and he was permitted to join.

6. Counsel for the Union of India on the other hand has filed counter-affidavit and in the counter-affidavit, the specific stand has been taken by the Union which states as follows:-

“As per Govt. of India, MHA vide UO 1.45020/6/2010-Pers.11 dated No. 01/02/2012 has issued policy guidelines on effect of pendency of criminal cases against candidates being considered for appointment in CAPF. According to Para-2(III), the candidate will not be considered for recruitment if:

(a) Such involvement/case/arrest is concerned with an offence mentioned in Annexure-'A'.

As per Point No. 14 mentioned in 'Offence Under Special Acts' of Annexure-A, "All offences prescribing conviction of minimum 3 years and above". The petitioner is facing a case under section 30(a) of Bihar Excise Amendment Act for which conviction is for 10 years. Since, the

st the petitioner is serious in nature,



case has been referred to higher authorities for decision. This fact has already been communicated to the petitioner. However, instead of waiting for decision of department, the petitioner moved to the Hon'ble High Court, Patna in hurry which seems to be premature action. The department is in process to take decision on the issue.

Meanwhile the DIG (Rectt) Dte vide his signal No. R.II.8/2018-DA.10 (Rectt) dated 01/05/2018 intimated that DIG (CR&Vig) opined to cancel candidature of the petitioner in the light of MHA UO No. 1.45020/6/2010-Pers.11 dated 01/02/2012 as the case registered against petitioner for offence is punishable under section 30(A) of Bihar Excise Amendment Act 2016 and for which conviction prescribe for 10 years. Accordingly candidature of the petitioner has been cancelled vide order No. R.II.8/2018-Ec.VI (CT/T&"D dated 19/05/2018 and conveyed this decision to the petitioner vide letter No. R.II.8/2018-Ec.VI (CT/T&T dated 19/05/2018."

7. Upon hearing the parties and going through the pleading, this Court is of the view that in the light of the guidelines as mentioned above in the pleading, this Court retrain himself on passing any order in favour of the petitioner.

8. With the aforesaid direction, the present writ application is hereby dismissed.

(Dr. Anshuman, J.)

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