

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8818 of 2018

Vikki Kumar son of Sri Brajesh Sharma resident of village - Jamuawan, P.O. Pandool, P.S. Paras Bigha, District - Jehanabad, Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through the Commandant, G.C., C.R.P.F., Muzaffarpur, Bihar, Zone.
2. Inspector General, Bihar Sector CRPF Ashiyana Digha, Road, Patna, Bihar - 800025.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Sharma, Advocate
For the Respondent/s	:	Mr. Amarendra Nath Verma, Sr. Counsel U.O.I. Mr. Rakesh Kumar Sinha, C.G.C.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 01-07-2024 Heard learned counsel for the petitioner and learned counsel for the Union of India.

2. The present writ petition has been filed for setting aside the order dated 10.03.2018 passed by Inspector General, Bihar Sector, C.R.P.F., further to set aside the order dated 30.12.2017 vide order No.8/2017 EC-4 issued by Commandant GC, C.R.P.F., Muzaffarpur, and further directing the respondent to reinstate the petitioner on the post of GD/RT CRPF, Muzaffarpur, with all back salary.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of GD/RT CRPF, Bihar Zone, Muzaffarpur, and he was performing his duty with due



care and devotion. There was no complaint against the petitioner during his short span of service. Counsel submits that there was a criminal case, namely, Paras Bigha P.S. Case No.57 of 2014, lodged against the petitioner including other persons for the offences punishable under Sections 323/341/379/504/506/34 of the Indian Penal Code and due to non-involvement, the informant preferred to file compromise petition. Counsel further submits that a compromise petition has been filed in this case on 25.06.2016 and vide order dated 19.01.2018 the matter was referred to Lok Adalat and before the Lok Adalat it was decided on 10.02.2018. Counsel submits that petitioner has submitted his application to the concerned officer, but the said officer refused to take the application and, ultimately, the father of the petitioner sent a letter to the Commandant, CRPF, Bihar Zone, Muzaffapur, and in reply, the authority cited that the petitioner is in duty and the father sent the letter which is not proper and without granting proper opportunity termination order has been passed. No show-cause was given to the petitioner prior to termination for giving reply. Counsel for the petitioner further submits that the petitioner has been directed to terminate on 27.11.2017 due to alleged concealment of fact pertaining to lodging of F.I.R. against the petitioner. Finally, the letter of



termination was issued on 30.11.2017 against which the petitioner has preferred appeal, but his appeal was also dismissed. Thereafter, he has preferred the present writ petition.

4. Learned counsel for the petitioner submits that a supplementary affidavit has been filed in which letter issued by Ministry of Home Affairs has been annexed as Annexure-6 in which a policy guidelines for considering case of candidates for appointment in CAPFs pendency of criminal case against candidate has been discussed. Counsel submits that it has been mentioned that the candidate shall not be barred in the above cases, if only an FIR has been registered and case is under investigation, no charge has been framed either on FIR or on the complaint in any Court of Law. Counsel further submits that the candidate shall not be debarred if he/she has been finally acquitted/discharged by a Court, whether an appeal is pending or not against such acquittal. Counsel submits that candidate shall not be debarred, if the proceedings are withdrawn by the Central/State Government. He also submits that candidate shall also not be debarred if he/she has been involved/convicted concerned with minor offences mentioned in Annexure-B or those mentioned in Chapter VIII & X of the Code of Criminal Procedure, 1973. Counsel submits that in the present case the



compromise has already been filed and petitioner was under impression that case has already been closed and it is due to this reason he has left the column unfilled about the pendency of criminal case.

5. Learned counsel for the Union of India, on the other hand, submits that the case of the petitioner is not maintainable and what petitioner has pleaded in the present writ is not the factual matrix of the case. He submits that the appellate order is 10.03.2018 and original order is 29.01.2018. He submits that the merit of the case has completely been discussed. It is not the case that criminal case is pending, and pending case is minor in nature or no discharge made or investigation pending or acquittal made. Counsel submits that the real wrong/misconduct, which has been committed by the petitioner is that he has suppressed about pendency of criminal case against him in the application form which is supposed to intimate. He submits that the petitioner was employee of CRPF, where discipline and truth is the premium work and it supposed to be followed by every personnel of C.R.P.F. He submits that in the rejection order by Commandant as well as IG, it become crystal clear that the petitioner has suppressed about pendency of criminal case and it is due to this reason, he has been



provided opportunity to hear, for which show-cause notice was issued, and only after following the principles of natural justice, the decision of removal from service has been taken.

6. Upon perusal of the records and the annexures and the documents attached with the writ petition, it transpires to this Court that the petitioner's consistent stand was that the natural justice has not been followed and due to lack of knowledge of computer, he could not insert the said detail at the specified column. It also transpires to this Court that at the level of the High Court he has annexed Annexure-6, but from the record it transpires to this Court that suppression has been made by him in the application form, where he ought to disclose about his criminal antecedent, which he has not disclosed. This Court is of the firm view that in the paramilitary forces like CRPF, the employees must have to maintain high level of honesty and integrity which are lacking in this petition. Therefore, this Court is not inclined to interfere in this matter. Accordingly, this writ petition is dismissed.

(Dr. Anshuman, J)

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