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

CWP-11029-2020 (O&M)
Date of decision: 30.05.2024

Parmod Saini

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipin Kumar, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing of order dated 10.02.2020 (Annexure P-3) declaring the petitioner unfit for the appointment to the post of Constable.

2. Learned counsel for the petitioner has submitted that the petitioner was not appointed as a Constable on the basis of a verification report as per which the petitioner was stated to be an accused in FIR No.188 dated 26.08.2018 registered under Sections 148, 149, 307, 323, 324, 452, 506 of IPC at Police Station Mulana, District Ambala in which charges were framed on the date when the impugned order was passed. It is further submitted that there was no concealment on the part of the petitioner and



subsequent to the passing of the said order, the petitioner has been acquitted vide judgment dated 29.09.2023. It is prayed that on the basis of the said subsequent events, the competent authority of respondent No.1-State be directed to reconsider the matter in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious, then, to grant necessary relief, in accordance with law.

3. Learned State Counsel has submitted that the impugned order has been passed in accordance with law, rules and instructions.

4. This Court has heard learned counsel for the parties and has perused the paper book,

5. It is not in dispute that at the time of passing of the impugned order dated 10.02.2020, the abovesaid FIR was pending against the petitioner and the charges were framed and subsequent to the same, the petitioner has been acquitted vide judgment dated 29.09.2023. The subsequent event is a material fact.

6. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to the competent authority of respondent No.1-State to reconsider the case of the petitioner in the light of the subsequent events within a period of two months from the date of receipt of certified copy of the present order and in case, the competent authority of respondent No.1-State is of the opinion that in view of the subsequent acquittal of the petitioner, the petitioner deserves to be appointed then the same be done as expeditiously as possible and in case, the competent authority is of the view that in spite of the said subsequent event, the petitioner does not deserve any relief then a speaking order rejecting the

same be passed within a period of two months from the date of receipt of certified copy of the present order.

7. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would reconsider the matter independently, in accordance with law.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

30.05.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**