

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-1906-2024 (O&M)
Date of decision: 14.08.2024

MandeepAppellant

Versus

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rakshit Gupta, Advocate
for the appellant.

Ms. Shruti Jain Goel, Sr. DAG, Haryana.

DEEPAK SIBAL, J.(ORAL)

1. The instant intra Court appeal is directed against the judgment dated 08.07.2024 passed by a learned Single Judge of this Court dismissing the appellant's writ petition through which he had sought quashing of order dated 25.10.2023 passed by the Commandant, Haryana Armed Police, 4th Battalion, Madhuban, Haryana denying the appellant appointment as a Constable.
2. A few relevant facts may be noticed.
3. On 22.05.2015, an FIR bearing No.118 under Sections 427, 436, 447, 148, 149, 506, 457, 380, 201 of IPC was registered against the appellant at Police Station, Sadar Narwana. In this case, on 16.12.2015, the trial Court declared the appellant a proclaimed offender. However, on a later date the appellant surrendered and was admitted to bail. While the appellant's trial was pending, an advertisement dated 30.12.2020 was issued by the Haryana Staff Selection Commission (for short – the Commission)

inviting applications to fill up 5500 posts of male Constables (General Duty), 1100 posts of female Constables (General Duty) and 698 posts of female Constables for Haryana Police (Durga-1). The last date to apply was 12.02.2021. On 22.01.2021, the appellant applied for consideration of his candidature to be appointed as a Constable. In his application he duly disclosed the factum of the criminal case pending against him. On 23.06.2022, his name was recommended by the Commission to be appointed as a Constable in the Haryana Police. However, before he could be formally appointed he was subjected to verification of his antecedents which revealed the pendency of the aforesaid trial being faced by the appellant. Accordingly, in terms to Rule 12.18 (3)(b) of the Punjab Police Rules, 1934 (for short – the Rules) (as applicable to the State of Haryana) he was denied appointment. He filed a representation explaining therein that in the aforesaid trial some of the accused had already been acquitted and therefore, he should be offered appointment. His representation was rejected on 25.10.2023. Such rejection was also based on Rule 12.18(3)(b) of the Rules. It is at that stage that the appellant petitioned this Court seeking quashing of the order dated 25.10.2023 with a further prayer for issuance of a direction to appoint him as a Constable in the Haryana Police.

4. A learned Single Judge of this Court found justification in the State's action in denying appointment to the appellant as he was of the view that the case of the appellant was squarely covered against him under Rule 12.18(3)(b) of the Rules as at the time of verification of his antecedents it had been found that he was facing trial in a case where allegations were against him with regard to offences which carried punishment of more than three years. The judgment of the learned Single Judge is the subject matter of challenge through the present intra Court appeal.



5. Learned counsel for the parties have been heard.
6. For adjudicating upon the issue raised through the instant appeal interpretation of Rules 12.16(4)(a) and 12.18(3)(b) of the Rules would be required. Therefore, they are reproduced hereinbelow:-

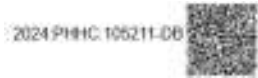
12.16(4)(a):-Procedure for direct recruitment:-

If an F.I.R. is lodged/is pending against a candidate, he shall not be treated eligible for application if charges are framed against him.

12.18(3)(b):- Verification of character and antecedents:-

Where charges have been framed against a candidate for offence(s) involving moral turpitude or which is punishable with imprisonment of three years or more, shall also not be considered for appointment.

7. As per the afore quoted Rule 12.16(4)(a) an application for appointment as a Constable in the Haryana Police is to be thrown out at the very threshold in case the appellant at the time of filing of his application has a criminal case lodged against him and in which the trial Court has also framed charges.
8. On 22.01.2021, when the appellant filed his application for consideration of his candidature for the post of Constable in the Haryana Police, he was admittedly facing trial in which charges had also been framed against him by the trial Court under Sections 427, 436, 447, 148, 149, 506, 457, 380, 201 IPC. Therefore, his application was required to be rejected at the very threshold
9. In the light of the above, we fail to understand as to why the appellant's candidature was not only considered by the Commission but his name was also recommended for appointment.
10. Further, Rule 12.18(3)(b) of the Rules provides that where charges have been framed against a candidate for offences involving moral



turpitude or for offences which are punishable with imprisonment for three years or more, such candidate shall not be considered for appointment.

11. The appellant’s case is also clearly covered against him under 12.18(3)(b) of the Rules and therefore, in spite of him having been mistakenly recommended by the Commission for appointment, he was rightly denied such appointment by the State by applying Rule 12.18(3)(b).

12. In the light of the Rules 12.16(4)(a) and 12.18(3)(b) the appellant has no right to be appointed as a Constable only for the reason that in April 2024, he stands acquitted of the criminal charges that he faced earlier especially when there is no challenge by him to either Rule 12.16(4) (a) or 12.18(3)(b) of the Rules.

13. In the light of the above discussion, we find no error, factual or legal, in the impugned judgment.

14. Dismissed.

15. Pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

14.08.2024

Sapna

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No