



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

CWP-10456-2025

Date of Decision: 09.04.2025

Deepak Singh

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 01.04.2025 (Annexure P-9) whereby he has been discharged from service under Rule 12.18(4) of Punjab Police Rules, 1934 (as made applicable to State of Haryana) (in short 'PPR') w.e.f. 20.10.2024 i.e. date of his appointment.

2. The petitioner pursuant to Advertisement No.1/2024 applied for the post of Constable under Backward Class (B) Category. He successfully cleared Common Eligibility Test followed by second stage test. He further cleared physical measurement and physical screening test. He was issued provisional appointment letter. The respondent conducted verification of his credentials and found that an FIR No.11 dated 13.01.2020 under Sections 323, 506 IPC, P.S.



Sadar, Palwal was registered against him. On account of said FIR, the respondent by impugned order has cancelled his appointment.

3. Mr. Navjot Singh submits that FIR was lodged by his wife on account of minor matrimonial discord. The matter was amicably settled vide compromise dated 16.06.2020. The application form was filed much later on and petitioner was under impression that on account of compromise between the parties, FIR stands settled. The petitioner's wife since then was staying with him. Thus, there was no question of litigation between the parties. This was also the reason of non-disclosure in the attestation-cum-verification form. It was *bona fide* mistake and he cannot be deprived from opportunity to serve.

4. Notice of motion.

5. Ms. Rajni Gupta, Addl. A.G., Haryana, who on advance notice is present in Court, accepts notice on behalf of the respondents.

6. With the consent of both sides, petition is taken up for final disposal.

7. Ms. Rajni Gupta submits that petitioner did not disclose pending FIR either in application form or attestation-cum-verification form. Mandate of Rule 12.18 of PPR is unambiguous. It clearly provides that candidature shall be outrightly cancelled if candidate does not disclose pending FIR in the application form and attestation form. The petitioner did not disclose pending FIR in the application form as well as attestation form. Thus, there was no question of considering his candidature. His appointment was liable to be cancelled on account of concealment of material fact.

8. I have heard the arguments and perused the record.



9. Rule 12.16 of PPR prescribes procedure for direct recruitment. Sub-Rule (4) provides that if an FIR is lodged or is pending against a candidate he shall not be treated eligible for application, if charges are framed against him. Rule 12.16 (4) of PPR reads as: -

*“Rule 12.16 Procedure for direct recruitment:-
(1) XXXX XXXX XXXX*

(2) XXXX XXXX XXXX

(3) XXXX XXXX XXXX

(4) Applications:-

(a) 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.

(b) Applications with prescribed fee shall be received online. The information submitted online by the candidates shall be final.

(c) Roll number shall be allotted to the eligible candidates and put on the official website of the Haryana Staff Selection Commission. Once the roll numbers are allotted, the candidate shall be able to generate to join the process of selection.”

10. Rule 12.18 of PPR provides that candidate shall disclose the fact regarding registration of FIR or criminal complaint against him for any offence under any law along with the current status of such case in the application form and verification-cum-attestation form. Non-disclosure of such information shall lead to disqualification of the candidate outrightly solely on this ground. Sub-Rule (3) of Rule 12.18 provides for the manner of dealing with a situation arising from verification of character and antecedents. For the ready reference, Rule 12.18 is reproduced as below:-

“12.18. Verification of character and antecedents:-

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(1) The appointing authority shall send the verification forms of candidates recommended for appointment by the Haryana Staff Selection Commission to the district police and Criminal Investigation Department with a copy to the District Magistrate for the verification of character and antecedents, as per Form No. 12.18 and Government instructions issued from time to time on the subject.

(2) The candidate shall disclose the fact regarding registration of FIR or criminal complaint against him for any offence under any law along-with the current status of such case in application form and verification cum attestation form irrespective of the final outcome of the case. Non-disclosure of such information shall lead to disqualification of the candidature outrightly, solely on this ground: Provided that where a candidate, who as a juvenile had earlier come in conflict with law and was dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, shall not suffer any disqualification on account of non-disclosure of this fact either in application form or verification cum attestation form.

3) Where the appointing authority upon verification of character and antecedents of the candidate recommended for appointment comes to know that criminal proceedings against a candidate is in progress and the status of the case is reported to be either under investigation or challenged or cancelled or sent untraced or withdrawn or under trial or has either been convicted or acquitted or the candidate has preferred appeal against the order of the court; the appointing authority upon verification shall deal with the cases of candidates reported to have criminal cases registered against them and to the matters connected therewith as stated hereinafter;

(a) Where, a candidate is found to have been convicted for an offence involving moral turpitude or punishable with imprisonment for three years or more, shall not be considered for appointment.

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(b) 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.

(c) Where, the candidate has disclosed the fact regarding registration of criminal case as described under subrule (2) above, and where the status of any case at the time of verification of antecedents of the candidate by local Police is found to be either as 'withdrawn by the State Government' or 'cancelled' or 'sent untraced' or 'acquitted' for any offence, under any law, such candidate shall be considered for appointment in Haryana Police:

(d) Where the 'cancellation report' or 'an untraced report' in a case against a candidate has been submitted by the investigating agency in the competent court of law, the appointment shall be offered only if approval/acceptance of such cancellation or untraced report has been accorded by the trial Court.

(e) Where the candidate has been acquitted in offences related to sovereignty of the State or national integrity i.e. spying against national interest/waging war against the State/act of terrorism/communal disturbance/smuggling of arms, ammunition or Narcotic Drugs & Psychotropic Substances or counterfeit currency etc. besides heinous crimes e.g. murder, rape, dacoity, robbery, kidnapping for ransom, acid attacks, human trafficking, Protection Of Child from Sexual Offences Act, 2012 or Prevention of Corruption Act, 1988 etc., 'on technical grounds' i.e. where, in the opinion of the Court the star/material prosecution witnesses have either been killed or have died or remained untraced or turned hostile or won over and the candidate has been acquitted on account of



aforementioned circumstances; such candidates shall not be considered for appointment.

4) If it is ever revealed that a candidate has got appointment either by concealment of facts or by furnishing false or wrong information or by submitting fake or forged document/certificate, he shall be discharged from the service by the appointing authority from the date of appointment, summarily i.e. without holding a regular disciplinary proceedings, treating him ineligible for service and salary paid to him may also ordered to be recovered.

XXXX XXXX XXXX XXXX
[Emphasis supplied]”

11. From the conjoint reading of Rule 12.16(4) and 12.18(2), it is evident that it is mandatory to disclose factum of pending FIR. If factum of FIR is not disclosed in the application form or verification-cum-attestation form, candidature is outrightly liable to be cancelled. In the instant case, the petitioner neither disclosed pending FIR in application form nor in the verification-cum-attestation form, thus, his provisional appointment was rightly cancelled.

12. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be dismissed and accordingly dismissed.

09.04.2025	(JAGMOHAN BANSAL)
shivani	JUDGE
Whether reasoned/speaking	Yes
Whether reportable	Yes