



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

CWP-31429-2019

Date of Decision: 23.07.2025

Ravinder Singh

...Petitioner

Vs.

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 19.11.2018 (Annexure P-9) whereby respondent has rejected his candidature on the ground of his involvement in a criminal case.

2. The petitioner pursuant to advertisement dated 31.05.2016 applied for the post of Constable. In the application form, he disclosed that the criminal case is pending against him and he was arrested in the said case. He cleared written test and his name figured in the selected candidates. He was subjected to medical examination. He was also subjected to police verification. During police verification, it was found that he is facing trial arising out of FIR No.19 dated 22.03.2014 under Sections 376, 323 and 506 of Indian Penal Code, 1860 (for short 'IPC') and Section 4 of Protection of Children from Sexual Offences Act, 2012

(for short 'POCSO Act'). The respondent rejected his candidature on the ground of pending trial. The rejection order was passed on 18.01.2017 and he came to be acquitted vide judgment dated 30.03.2018 passed by Additional Sessions Judge, Gurdaspur. The prosecutrix turned hostile.

3. Mr. Vipin Mahajan, Advocate submits that petitioner was innocent and he was falsely implicated in the aforesaid FIR. The trial Court has acquitted him. He made full and true disclosure in his application form. As he has been acquitted, he deserves to be issued appointment letter.

4. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that in the standing order No.1 of 2016 which was foundation of advertisement, it was specifically provided that at the time of verification of antecedents if it is found that a candidate is facing trial and charges have already been framed for offence involving moral turpitude or which is punishable with imprisonment of three years or more shall not be considered for appointment. The petitioner was facing trial. Charges had already been framed. The alleged offence involved moral turpitude as well as punishment prescribed was more than three years.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The respondent prior to advertisement issued standing order No.1 of 2016 wherein terms and conditions for the post of Constable were jotted down. With respect to verification of character and antecedents, there was a specific paragraph. The said paragraph is reproduced as below:

“13. VERIFICATION OF CHARACTER AND ANTECEDENTS

The verification of character and antecedents of all the candidates who figure in the Selection List shall be undertaken as laid down in the Punjab Police Act 2007, Punjab Police Rules 1934, other relevant Rules, Government Instructions and the Judgments delivered by the Hon'ble Supreme Court of India and Hon'ble High Court of Punjab & Haryana in this regard by following the prescribed procedures through the concerned authorities. The verification of Character and background of a candidate is of vital importance insofar as the recruitment to Police Department is concerned. Punjab Police Rules 1934 (PPR 12.14) provides that the "Recruits shall be of good character and great care shall be taken in selecting men of a type suitable for Police Service from the candidates presenting themselves for enrolment." In addition, the Hon'ble Supreme Court of India, in "Delhi Administration Vs Sushil Kumar (1996)" case has held that "the verification of character and antecedents is one of the important criteria to test whether the selected candidate is suitable to a post under the State. What would be relevant is the conduct or character of the candidate to be appointed to the Police Service." Therefore, the selection of the candidate shall be subject to the verification of his antecedents in the Verification Process and if anything adverse is found against the candidate during the verification process, his/her candidature shall be summarily rejected and no claim, whatsoever, shall be entertained in this regard thereafter.

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.

(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 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.

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 le, without holding a regular disciplinary proceedings, treating him ineligible for service and salary paid to him may also ordered to be recovered.”

[Emphasis supplied]

7. From the perusal of aforesaid paragraph of the standing order, it is quite evident that a candidate could not be selected who at the time of verification of credentials was facing charges involving moral turpitude or where prescribed sentence was three years or more. The petitioner was facing charges under Section 376 of IPC and Section 4 of POCSO Act. Offence under Section 376 of IPC and Section 4 of POCSO Act involved moral turpitude and prescribed punishment was more than three years, thus, case of petitioner squarely fell within aforesaid clause. Thus, the respondent rightly rejected candidature of the petitioner.

8. In the wake of above discussion and findings, the instant petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

23.07.2025
Prince Chawla

Whether Speaking/reasoned: Yes/No
Whether Reportable: Yes/No