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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-36736-2025

Date of Decision : 06.03.2026

Vikas

...Petitioner

Versus

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Lekh Raj Nandal, Advocate for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to issue appointment letter to the petitioner for the post of PGT (Chemistry) pursuant to advertisement 4/2015, published on 28.06.2015.

2. Learned counsel contended that the petitioner was selected for the said post in the Rest of Haryana cadre. The selected candidates, including the petitioner, were issued a common appointment letter dated 16.02.2019, Annexure P-4, but the petitioner has not been permitted to join the service.

3. Learned State counsel contended that the reason for not permitting the petitioner to join the service is his character and antecedents. At the time of verification of documents, he never disclosed his involvement in a criminal case bearing FIR no.110 dated 04.05.2015 under Sections 120B, 420 IPC and Section 66A of the Information Technology Act, 2000, registered at Police Station PGIMS, Rohtak, which is pending trial. The allegation against him is of



conspiring with the co-accused in leaking the question paper of All India Pre-Medical Test. The instructions, Annexure 'A', to that effect read as under:

It is further submitted that the petitioner did not disclose the pendency of the aforesaid criminal proceedings before the Hon'ble District Court, Rohtak at the time of documents scrutiny at the level of Commission as well as verification conducted by the Committee constituted at the level of the respondent department. However, the petitioner disclosed the said facts at the time of joining before the District Education Officer, Sonipat. In view of the pendency of the criminal proceedings under Sections 420, 467, 468, 471 and 34 IPC, which involve allegations of cheating, forgery and offences involving moral turpitude, the appointment of the petitioner has been kept on hold by the Department.

4. Learned State counsel has also placed reliance upon the law laid down by the Supreme Court in *Avtar Singh v. Union of India and Others*, 2016 AIR Supreme Court 3598, to contend that the Department is well within its rights to withhold the appointment as the character and antecedents of the petitioner are questionable. And the decision whether the petitioner is to be permitted to join service, will be taken in the light of final decision of the criminal case by the trial Court.

5. Heard.

6. It is apparent that the petitioner was issued appointment letter, dated 16.02.2019, with a clear stipulation that "*the said appointments are purely provisional subject to verification of character and antecedents of the candidate concerned*". His implication in the criminal case for the offences involving moral turpitude has been established which is pending trial. In the light of these facts the Department decided not to allow the petitioner to join



service after his involvement came to notice in 2019, and final decision in this regard would be taken after conclusion of the trial.

7. Accordingly, this Court finds no ground to interfere with the matter and the petition stands disposed of with liberty to the petitioner to seek expeditious conclusion of trial by availing appropriate remedy in accordance with law.

March 06, 2026
ps

(TRIBHUVAN DAHIYA)
JUDGE

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