
(1992) 02 RAJ CK 0020
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4513 of 1989

Laxman Ram

APPELLANT

Vs

Superintendent of Police and Another

RESPONDENT

Date of Decision : 13-02-1992

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 323

Citation : (1992) 1 WLN 270

Hon'ble Judges : Rajesh Balia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Balia, J.—Petitioner has applied for appointment as Constable in pursuance of advertisement issued by the respondents inviting applications for appointment at Bikaner division. Petitioner was successful and his name was included in the panel of successful candidates at item No. 15 vide order dated 25/11/1989 (Annex.2) However, when the verification of the character was made, it was found that a case under Sections 147, 148 and 323 I.P.C. in M.J.M. Court, Nokha was pending against the petitioner. In view of this information, petitioner was not offered appointment and his name was removed from the select list vide order dated 25/11/1989 (Annex.2). Petitioner has challenged that order contending that on the date of alleged incident, in respect of which a criminal case was pending he was present in the School and a Certificate to that effect from the Headmaster, obtained on 27.11.1989 has been produced. It was contended by the learned Counsel for the petitioner that petitioner's name from the select list has been deleted on the basis of a complaint which was totally false in view of the Certificate issued by the Headmaster of the School. It is contended that once petitioner's name finds place in the select list, respondents are under an obligation to offer him appointment. The more fact that criminal proceeding is pending against him, which according to the petitioner has been falsely lodged, cannot be a ground for deleting the petitioner's name from the

panel of selected candidates.

2. A return has been filed in response to the show cause notices issued by this Court . It is stated in the return that the petitioner's name was sent in the Police Station, Nokha for the verification of the character. The concerned S.H.O. Police Station, Nokha sent a report that petitioner is involved in C.R.No.84 dated 4.8.1988 Under Sections 147, 148 and 323 I.P.C. and challan has been field in the Court of M.J.M. Nokha. It is also stated that application to the effect that all descriptions given in the application are totally true and there is not concealment. In the application, petitioner was required to furnish information whether he is involved in any criminal case in the past or in the present and he categorically stated in the negative against the said column. Thus, according to respondents, petitioner has given deliberately wrong information in the application for seeking employment on that basis. A copy of the application-form has also been produced as Annex.R/2.

3. These facts are not disputed. Present is a case in which no appointment was given to the petitioner and state was at the threshold where it was within the province of the respondents' discretion whether to offer an appointment to the petitioner or not . In view of the fact that a criminal case was pending against the petitioner in the Court of M.J.M., Nokha and the petitioner has not disclosed true facts about pendency of a criminal case in his application, it cannot be said that the respondents have acted in any unreasonable or arbitrary manner in deciding not to deal- with the petitioner by offering him an appointment. The fact whether petitioner will ultimately be found guilty of the offence or not, is not relevant at this stage.

4. I do not therefore find any force in the contentions, raised on behalf of the petitioner. The petition is hereby dismissed. There will be no order as to costs.