
(2010) 11 DEL CK 0248
In the Delhi High Court
Case No : Writ Petition (C) 5745 of 2010

Pranav Kumar

APPELLANT

Vs

Commissioner of Police and Another

RESPONDENT

Date of Decision : 29-11-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 34

Citation : (2010) 11 DEL CK 0248

Hon'ble Judges : Siddharth Mridul, J; Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Satish Kumar, for the Appellant; Stuti Singh, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—Responding to an advertisement to fill up 117 vacancies to the post of Head Constable (Ministerial), Petitioner submitted an application and with respect to information vide Sl. No. 15 of the application form, which required the Petitioner to inform if he had ever been arrested or an FIR had been registered against him or he had been tried for an offence in a court of law or convicted by any court, he filled up "N.A." Undisputably, the Petitioner was an accused in FIR No. 523/1999 u/s 307/34 IPC P.S. Moti Nagar in which he had been acquitted on 21.8.2001.

2. It be noted that the application form was filled up by the Petitioner on 9.10.2006 while applying for the post of Head Constable (Ministerial).

3. Having successfully cleared the selection process the Petitioner was called upon to fill an attestation form which he did. It be noted that the attestation form had to be filled up in duplicate and the Petitioner did so on 11.7.2008.

4. The requirement to fill up two attestation forms was that one was retained in the master file with the department and the other would be sent to the concerned police station within the jurisdiction whereof a candidate would reside. In the attestation form vide Sl. No. 13 information required to be supplied was as

under:

13.(a) Have you been arrested/prosecuted kept under detention of bound down/ fined, convicted by a court of law for any offence of debarred/disqualified by any public service commission from appearing at its examination selection or debarred from any other education authority/institution.

(b) Whether any F.I.R. was ever registered against you in any Police station? If yes, give complete detail.

(c) If any case pending against you in any court of law university or any other education authority/institution at the time of filling up this attestation form (if the answer to (a) and (b) is "Yes", full particulars of the case arrest, detention, fine, conviction sentence etc. in the nature of the case pending in the country, university/education authority etc., at the time of filling up this form should be given.

5. We find that in one attestation form pertaining to information sought vide Sl. No. 13(a), (b) and (c) the Petitioner has written "No". In the second attestation form which we incidentally find is in a handwriting different than the first, pertaining to Sl. No. 13(a) and 13(c), "No" has been written and pertaining to 13(b) it is written that the Petitioner was an accused for having committed an offence as afore-noted in para 1.

6. It appears that the second attestation form has been changed for the simple reason the handwriting of the first and the second are entirely different. It appears that at the stage when even in the attestation form Petitioner gave wrong information, a show cause notice was issued to the Petitioner to show cause as to why he has withheld relevant information by informing "No" against each entry at Sl. No. 13(a), (b) and (c), and for which his appointment be not cancelled. This we note was done after police verification revealed Petitioner being charged as an accused for having committed an offence punishable u/s 307/34 IPC P.S. Moti Nagar.

7. Petitioner submitted a response in which he stated that being a layman, by oversight, he wrongly filled up column No. 15 in the application form and that after he was declared successful he correctly filled up the attestation form. He highlighted that he had been acquitted by the court.

8. The Appointing Authority was not impressed and cancelled the selection of the Petitioner recording clearly that he had deliberately furnished false information.

9. Petitioner's challenge before the Tribunal vide impugned order dated 12.11.2009 has failed. OA No. 393/2009 filed by him has been dismissed.

10. The Tribunal has noted the fact of there being different information in the two attestation forms and has noted the difference in the handwriting of the two forms. The Tribunal has thus dismissed the Original Application filed by the Petitioner.

11. We have seen the original record and indeed we find that while applying for the job, the Petitioner withheld relevant information to be supplied vide Sl. No. 15. After he was selected we find two attestation forms bearing signatures of the Petitioner. We find that in one attestation form against information sought vide Sl. No. 13(a), (b) and (c) "No" has been written, meaning thereby, according to the Petitioner he was never an accused for having committed any offence. In the second attestation form we find that pertaining to column No. 13(b), information pertaining to Petitioner being an accused for having committed an offence punishable u/s 307/34 IPC has been supplied, but we note that there is a difference in the handwriting in the two attestation forms and thus there is every possibility that the Petitioner has managed to replace the second attestation form. We may note that according to the Respondents the Petitioner never supplied the information in question and that it was during police verification that it surfaced that the Petitioner was an accused for having committed an offence punishable u/s 307/34 IPC.

12. We are satisfied that the Petitioner has deliberately withheld relevant information and there are strong reasons to suspect that the Petitioner has managed to replace the second attestation form. In our opinion, this misconduct is sufficient justification to deny public employment as a police officer to the Petitioner.

13. Thus, we refrain from dealing with the other issue whether as a result of his being acquitted of the offence punishable u/s 307/34 IPC should his being an accused be taken into account to deny employment to the Petitioner.

14. Suffice would it be to state that on being established that an applicant has deliberately withheld relevant information, it would be justification enough to deny public employment, we dismiss the writ petition but refrain from imposing costs.