
(2017) 05 RAJ CK 0037
In the Rajasthan High Court
Case No : 4387 of 2015

Rajendra Kumar Meena S/o Shri Ramswaroop Meena APPELLANT
Vs
State of Rajasthan RESPONDENT

Date of Decision : 08-05-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 324](#),
[Section 323](#), [Section 341](#) -
Voluntarily causing hurt by dangerous weapons or means - Punishment for voluntarily causing hurt - Punishm

Citation : (2017) 05 RAJ CK 0037

Hon'ble Judges : Kanwaljit Singh Ahluwalia

Bench : SINGLE BENCH

Advocate : C.P. Sharma, Prakash Yadav, Dr. A.S. Khangarot

Final Decision : Disposed

Judgement

1. Learned counsel for the petitioner has submitted that the petitioner in pursuance of advertisement issued by the respondents applied in ST category for recruitment to the post of Jail Warder. Learned counsel contends that the petitioner was declared successful in written test as well as in physical efficiency test.
2. Learned counsel for the petitioner submits that the petitioner in the selection process, was declared successful, but was not given appointment on the ground that the petitioner being involved in a criminal case had concealed the particulars thereof from the prospective employer. Learned counsel submits that now

the trial has concluded and the petitioner for offences under Sections 341, 323 and 324 IPC has been acquitted.

Learned counsel for the respondent has relied upon *Avtar Singh v. Union of India*, (2016) 8 SCC 471 to contend that employer has to take various factors into consideration to determine whether offence committed by the petitioner is of trivial nature or constitute moral turpitude and furthermore whether the petitioner is entitled to be recruited as Jail Warder or not?

3. Mr. Prakash Yadav on behalf of Dr. A.S. Khangarot, learned Additional Government Counsel, has submitted that the issue is no longer res integra. It is contended that considering the law laid in the case of *Avtar Singh (supra)*, a coordinate Bench of this court in bunch of writ petitions, lead case being *Babu Lal Meena v. State of Rajasthan & Ors.*, S.B. Civil Writ Petition No.2073/2016 decided on 13.02.2017, to determine above issues has appointed a committee to examine the case of each candidate as to what is the effect of concealment and outcome of criminal case.

4. As jointly prayed, present writ petition is disposed of in same terms as in the case of *Babu Lal Meena v. State of Rajasthan & Ors.*, S.B. Civil Writ Petition No.2073/2016 decided on 13.02.2017.