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

CWP-5016-2025

Date of Decision:21.02.2025

SURENDER

..... Petitioner

*Versus***STATE OF HARYANA AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Rajat Mor, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent to issue him appointment letter.

2. The petitioner pursuant to Advertisement No.4/2020 dated 30.12.2020 applied for the post of Constable in Haryana Police Force. During the pendency of selection process, FIR No.170 dated 23.08.2021 under Sections 420, 467, 468, 120B of IPC and Section 66 and 66C of Information Technology Act, 2000 was lodged against him at P.S. City-2, Khanna, Police District Khanna. In the advertisement, there was a specific clause mandating that if an FIR is lodged/pending against a candidate, he/she shall not be treated eligible for application, if charges are framed against him/her. In the case of petitioner, no FIR was pending against him at the time of filing of application form. He cleared all the stages of the selection process including scrutiny of documents. His name



figured in the merit list. He was found innocent in the investigation conducted by Bureau of Investigation, Punjab. Inquiry Officer has reported his name in column No.2 of the challan. The respondent conducted verification of antecedents. In the report dated 11.12.2023, the respondent found that petitioner has been found innocent in the above mentioned FIR still withheld his appointment letter. He filed representation/legal notice dated 10.01.2024 but to no avail. He preferred CWP-3531-2024 before this Court which was disposed of vide order dated 20.02.2024 with a direction to respondent to consider his representation. The trial Court discharged him on 26.02.2024 and prosecution filed revision before learned ASJ which is still pending. The petitioner filed verification-cum-attestation form wherein he truly disclosed his antecedents. He aggrieved with non-compliance of order 20.02.2024 filed COCP-2185-2024 before this Court. During the pendency of aforesaid COCP, the respondents rejected claim of petitioner vide order dated 17.09.2024.

3. Mr. Rajat Mor, Advocate submits that petitioner at every stage made true and correct disclosure. As per Rule 12.18 of Punjab Police Rules, 1934 (as applicable to Haryana), the petitioner could be denied appointment had he not disclosed factum of pending FIR in the verification-cum-attestation form. The petitioner had not concealed any material fact. He was falsely implicated and cannot be denied appointment.

4. Ms. Rajni Gupta, Addl. AG, Haryana, who on advance notice is present in Court, submits that Competent Authority would re-consider his claim in the light of judgment of Hon'ble Supreme Court in ***Ravindra***

***Kumar vs. State of U.P., (2024) 5 SCC 264.***

5. In the wake of statement of State Counsel, instant petition stands disposed of with a direction to respondents to consider claim of petitioner in the light of afore-cited judgment within two months from today.

**(JAGMOHAN BANSAL)
JUDGE**

21.02.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No