



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

111

CWP-4919-2025

Date of Decision: 21.02.2025

Amit

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Yashdeep Nain, Advocate,
for the petitioner.

Mr. Raman Sharma, Addl. A.G., 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. He filed application on 02.09.2021. At that point of time, FIR No.204 dated 03.11.2020 under Sections 323, 34, 342 IPC registered at P.S. Bhattu Kalan, District Fatehabad was pending against him. There was no particular clause requiring disclosure of FIR, if any pending against the applicant. In the advertisement, there was 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, the FIR was pending against him, however, charges were not framed by that date. He cleared written test. Scrutiny of documents took place on 06.01.2022. His name figured in the merit



list. The respondent conducted verification of antecedents. In the report dated 08.09.2023, the respondent found that petitioner is facing criminal proceedings. The respondent withheld his appointment letter. He filed representation dated 16.09.2023 but to no avail. He preferred CWP-27242-2023 before this Court which was disposed of vide order dated 05.12.2023 with a direction to respondent to consider his representation. The trial Court framed charges against him on 09.01.2024. He came to be acquitted on 30.05.2024. He again represented, however, respondent vide order dated 10.09.2024, rejected his claim. The petitioner made further representation to Director General of police which is still pending.

3. Mr. Yashdeep Nain submits that petitioner at every stage made true and correct disclosure. Charges were not framed even till the date of conducting verification. 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. The maximum sentence prescribed for the offence alleged to be committed by him is not more than 2 years. He was falsely implicated and cannot be denied appointment.

4. Mr. Raman Sharma, Addl. A.G., Haryana, who on advance notice is present in Court, submits that representation of the petitioner is still pending and Director General of Police would consider his representation 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 Director General of Police to consider claim of



petitioner in the light of afore-cited judgment within two months from today.

21.02.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No