

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

**LPA-316-2022
Date of decision: 25.04.2022**

Abhishek Goyat

... Appellant

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. S.K. Verma, Advocate, for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

RAVI SHANKER JHA, C.J. (Oral)

This appeal has been filed by the appellant being aggrieved by an order and judgment dated 05.03.2020 passed by the learned Single Judge dismissing the petition, wherein he had assailed the action of the respondents denying him appointment to the post of Constable on the ground that the appellant had suppressed the material information in the verification form.

Learned counsel for the appellant submits that the impugned order passed by the learned single Judge does not take into consideration the fact that the appellant was not directly involved in the criminal case that was pending against him, and that the same did not involve any moral turpitude thereby disqualifying the appellant from appointment on the post of Constable. When particularly and specifically asked as to whether the appellant had given false information in the verification form regarding his

arrest, learned counsel for the appellant is not able to controvert or deny the finding recorded by the learned single Judge on the basis of a perusal of the attestation/verification form that the appellant had stated 'No' in column 13(a) of the form which required the appellant to disclose the fact that as to whether he has been arrested or not. Learned counsel for the appellant has also not been able to demonstrate that the finding recorded by the learned single Judge to the effect that the appellant has in fact been arrested on 25.02.2020 is incorrect or perverse. In the circumstances, the present case is one where the appellant had not just suppressed the material information regarding his arrest but also given a false statement to the effect that he had not been arrested when a specific query to this effect was made in the verification form and that the appellant had in fact been arrested on 25.02.2020 pursuant to an FIR registered against him.

In the circumstances, we find no illegality or infirmity in the impugned order passed by the learned single Judge specifically in view of the law laid down by the Hon'ble Supreme Court in Rajasthan Rajya Vidyut Prasaran Nigam Limited and another v. Anil Kanwaria, (2021)10 SCC 136, wherein the law in this regard has been extensively discussed, including the decision in Devender Kumar v. State of Uttaranchal, (2013) 9 SCC 363, and it has been held that the question in such cases is not as to whether an employee was involved in a dispute of trivial nature and whether he has been subsequently acquitted or not. The question on the contrary is about the credibility and trustworthiness of such an employee who at the initial stage of the employment has made a false declaration and/or not disclosed material fact of being involved in a criminal case or of being arrested as is the factual situation in the present case. It is a question of loss of trust and, therefore, in

such a situation where an employer feels that an employee, who at the initial stage of his service itself, has made a false statement or has deliberately not disclosed the material facts when asked to do so cannot be appointed or continued in service because such an employee cannot be relied upon even in future. The employer cannot be forced to continue such an employee. It has been categorically held by the Hon'ble Supreme Court that in such a situation, and the law laid down in a catena of decisions, such a person cannot claim appointment and/or continuance of service as a matter of right. Subsequently, the said decision has been followed by the Hon'ble Supreme Court in **Government of NCT of Delhi & Ors. v. Bheem Singh Meena** (Civil Appeal No.2599 of 2022, dated 31.03.2022).

In view of the aforesaid law laid down by the Hon'ble Supreme Court, which is squarely applicable to the facts of the present case, wherein the appellant in his attestation/verification form has deliberately not disclosed the fact that he had been arrested and has mentioned 'No' in the column wherever he was required to fill this fact, we find no merit in the appeal filed by the appellant and is, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

25.04.2022

Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO