

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 833 OF 2017

DISTRICT : SOLAPUR

Shri Eknath Baburao Chavan,)
Occ : Nil, R/at Parner Tanda,)
Post -Parner, Tal-Ambad, Dist-Jalna.)...**Applicant**

Versus

1. The State of Maharashtra,)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)
2. The Commandant,)
State Reserve Police Force, (S.R.P.F))
3. The District Collector,)
Solapur.)...**Respondents**

Shri A.B Rajkar, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**
Shri P.N Dixit (Member) (A)

DATE : **26.3.2018**

PER : **Shri Justice A.H Joshi (Chairman)**

ORDER

1. Shri A.B Rajkar, learned advocate for the Applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. Case proceeds in following admitted background.
 - (a) Applicant had applied for selection for the post of Police Constable.
 - (b) In the attestation form, answering the query as to whether applicant was ever arrested/prosecuted, applicant has answered in negative.
 - (c) During verification it has transpired that applicant was tried for offence punishable under sec 324 read with 24 IPC in the Court of J.M F.C, Ambad, and was ultimately acquitted.
3. The Committee which is authorized and competent to decide the cases of candidates who had any record of criminal case, took a decision which was adverse to the applicant.
4. The decision of the Committee is under challenge in this O.A.
5. In order to substantiate his contentions, learned advocate for the applicant has placed reliance on various judgments, namely:-
 - (i) Judgment of Hon'ble Supreme Court in Commissioner of Police Vs. Dhaval Singh 1999 AIR (SC) 2326.
 - (ii) Judgment of Hon'ble Supreme Court in Commissioner of Police & Ors Vs. Sandeep Kumar 2011 ALL SCR 1410.
 - (iii) Judgment of Hon'ble Supreme Court in Ram Kumar Vs. State of U.P & Others AIR 2011 SC 2903.
 - (iv) Judgment of Hon'ble Supreme Court in State of Haryana Vs. Dinesh Kumar AIR (SCW) 2008-0-696.
 - (v) Judgment of this Tribunal dated 4.10.2016 in Shri Anil R. Yadav Vs. The Commandant, Indian Reserve Batalion-3, Kolhapur & Ors (O.A 362/2014).
 - (vi) Judgment of Hon'ble Supreme Court in Avtar Singh Vs. Union of India & Ors, Civil Appeal No (s) 18798/2017 [Arising from SLP (C) No. 20525/2011].
6. In none of the judgments, it is laid down that merit of the case in which the candidate was involved be examined in the background of failure of the candidate to disclose (suppression of) the information of the criminal case.

7. In this premises, we are satisfied that the impugned decision of Committee cannot be faulted.
8. Applicant has failed to show any error of law or any rule.
9. Hence O.A has no merit and is dismissed.
10. Parties are directed to bear own costs.

Sd/-
(P.N Dixit)
Member (A)

Sd/-
(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 26.03.2018
Dictation taken by : A.K. Nair.