

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO. 1027 OF 2015**

**DISTRICT :PUNE**

Shri Shanideo Ravindra Kamble, )  
Aged 29 years, Occ: Nil, )  
R/o. Bavada, Tal. Indapur, )  
District: Pune. )...**Applicant**

**VERSUS**

1. The State of Maharashtra, )  
Through Additional Chief Secretary, )  
Home Department, Mantralaya, )  
Mumbai – 400 032. )  
2. The Superintendent of Police, )  
Pune Rural, Pune. )  
Chavan Nagar, Pashan Road, )  
Pune – 411 008. )...**Respondents**

Shri V.P. Potbhare, the learned Advocate for the Applicant.

Shri A.J. Chougule, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal, Vice-Chairman  
Shri R.B. Malik, Member (J)**

**DATE : 30.01.2017**

**PER : Shri Rajiv Agarwal, Vice-Chairman**

## **ORDER**

1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. This Original Application has been filed by the Applicant challenging the order dated 23.7.2015 issued by the Respondent No.2 informing him that the Applicant's selection for the post of Police Constable has been cancelled on the ground that he had furnished wrong information in the Attestation Form.
3. Learned Counsel for the Applicant argued that the Applicant was selected for the post of Police Constable in June, 2014 by the Respondent No.2. However, by impugned order dated 23.7.2015, the Respondent No.2 informed the Applicant that his selection was cancelled as he furnished false information in the Attestation Form at the time of verification of character and antecedents. Learned Counsel for the Applicant contended that a case under Section 323, 353, 143, 427, 504 and 506 of I.P.C. was registered against the Applicant in 2003 and he was acquitted by J.M.F.C. Indapur, Dist. Pune by judgment dated 1.3.2006. The Applicant was acquitted as the prosecution miserably failed to prove any sort of guilt against the accused. As such, the Applicant had not submitted any false information intentionally. Learned Counsel for the Applicant argued that the Applicant should be held to be eligible for the post of

Police Constable as he was honorably acquitted in the Criminal Case filed against him.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the Applicant was selected for the post of Police Constable. However, he suppressed the information that he had faced a criminal case, while filling the Attestation Form. The Applicant suppressed this information with an ulterior motive. He was accordingly held disqualified by the District level committee.

5. We find that Hon'ble S.C. in the case of **Avtar Singh Vs. Union of India, Special Leave Petition No.20525/2011** has held that if a candidate suppresses information about a criminal case, that would not render a candidate ineligible for being considered ineligible for employment in the Government in each and every case. If the case was of a trivial nature, the employer may condone suppression of information. In case of acquittal, only if the case involved moral turpitude or if the offence was of heinous/ serious nature and acquittal was by benefit of reasonable doubt, employer can take a decision considering all the relevant facts. In the present case, the Applicant was accused to be a member of an unlawful assembly and was accused of crimes under Section 323, 353, 427, 504 and 506 of the Indian Penal Code. Learned Judicial Magistrate, First Class, Indapur, Dist. Pune, in his judgment dated 1.3.2006 has observed that:-

“The entire evidence of the prosecution is silent that in fact accused persons being members of unlawful assembly deterred to public servant when he was discharging his duties and used criminal force. No satisfactory evidence come on record.”

Learned J.M.F.C. concluded that the prosecution miserably failed to prove any sort of guilt against the accused. It is a clear case of honorable acquittal. The judgment was delivered in 2006. Its non-disclosure by the Applicant in the year 2014 should not make the Applicant disqualified for being appointed as Police Constable in the light of judgment of Hon'ble S.C. in Avtar Singh's case (supra). If suppression of information in a case of trivial nature can be overlooked, not disclosing such information in a case of honorable acquittal should not result in disqualification of a candidate.

6. We therefore, quash the order dated 23.7.2015 issued by the Respondent No.2 cancelling the selection of the Applicant for the post of Police Constable from S.C. category in selection process held in 2014. The Respondent No.2 is directed to give appointment to the Applicant as Police Constable, if he is otherwise found fit, within a period of one month from the date of this order. This O.A. is allowed accordingly with no order as to costs.

**(R.B. MALIK)**  
**MEMBER (J)**

**(RAJIV AGARWAL)**  
**(VICE-CHAIRMAN)**

**Date : 30.01.2017**

**Place : Mumbai**

**Dictation taken by : SBA**

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