

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11387 /2013

[Arising out of S.L.P. (Civil) No. 20669 of 2012]

Karri Ram Babu and others ... Appellant
(s)

Versus

Chairman, State Level Police Recruitment
Board, Hyderabad and others ... Respondent (s)

J U D G M E N T

KURIAN, J.:

Leave granted.

2. Appellants participated in the process of selection for appointment to the post of police constables S.C.T.P.C. (Civil) (Men) initiated as per Notification dated 30.12.2008 issued by the first respondent. According to the appellants, as there was inordinate delay in the announcement of results of the written examination, they staged a *dharna* in front of the District Police Office, Kakinada along with many other candidates on 17.04.2010 demanding announcement of the results without delay. It is alleged that the

protestors were removed by the Sub-Inspector of Police, Kakinada II Police Station and were taken to the police station and were released after some time. Subsequently, the results were announced. Appellants were successful and, on being selected, they were sent for the nine months induction training w.e.f. 17.04.2011. While they were undergoing the training, Memorandum dated 20.04.2011 was issued by the first respondent stating that the appellants were selected on account of an oversight regarding their involvement in a criminal case and, hence, their selection should be cancelled. Accordingly, the Principal of the Police Training College discharged the appellants and four others as per memorandum dated 21.4.2011. The appellants approached the Andhra Pradesh State Administrative Tribunal, which by order dated 28.09.2011, dismissed their applications holding as follows:

“The applicants signed the attestation forms on 27.12.2010, 28.12.2010 and 29.12.2010 respectively and in column No. 16, they declared that they were not involved in any criminal case and they were not arrestee. The incident took place on 17.4.2010 whereas the attesting forms were signed by the applicants on 27.12.2010, 28.12.2010 and 29.12.2010 respectively. Clearly the applicants suppressed the information regarding the registration of the case and also

their arrest. Therefore, there are no merits in the OA., and the O.A. is, accordingly, dismissed. ...”

3. The order of the Administrative Tribunal was challenged before the High Court, leading to the impugned order dated 10.04.2012. The High Court concurred with the view taken by the Administrative Tribunal.

4. It is the case of the appellants that they were not aware of their involvement in any criminal case. According to them, they were not arrested; they were only removed from the place of *dharna* to the police station and were released after some time. It is in such circumstances only, while filling-up the attestation form, they stated that they were not involved in any criminal case. It is only later that they came to know that the police had registered FIR No. 74 of 2010 against them on the file of the Kakinada II Town Police Station, East Godavari District in connection with the alleged incident of *dharna*. Appellants content that had they been aware of this fact, they would have specifically mentioned it when the attestation forms were submitted.

5. For the purpose of easy reference, we shall extract the relevant portion of the attestation form:

"16 .	Whether you were involved in any criminal case? Yes No
	If yes, indicate
	(a) Crime No.
	(b) Year
	(c) Name of the Police Station
	(d) Name of the district
	(e) Whether you were arrested by police? Yes No
	(f) Whether you were prosecuted by the police in a court of law? If so, indicate the present stage of this case: (1) under trial (2) convicted (3) compounded (4) acquitted
	Note: (1) if convicted whether such conviction sustained in the Court of Appeal or set aside by the appellate Court if appealed against:
	(2) If involved in a criminal case subsequent to the completion and submission of this form, the details should be informed immediately to the authority to whom the attestation form has been submitted earlies failing which it will be deemed to be a suppression of factual information
	(3) If you were involved in more than one criminal case? Yes No (Emphasis supplied) "

- 6.** The first respondent has filed a counter affidavit before this Court. Paragraph 4 of the counter affidavit reads as follows:

“I respectfully submit that while selection process was going on and even before announcement of the results of the selection process, the Petitioners herein have misbehaved, staging a dharna/protect before the District Police Office, Kakinada on 17.04.2010 demanding to announce the police constables results quickly. The SI of police, II Town Police Station of Kakinada of East Godavari District has arrested them at about 12.15 PM and registered a crime No. 74 of 2010 u/s 151 Cr.PC. They have been detained at the said Police Station upto 6.00 P.M. But subsequently the said case was dropped treating it as preventive act. So, the Petitioner herein were very much aware that they have been arrested and the said crime was registered against them. They have suppressed the said fact of their arrest and registration of the said crime in the attestation form which was signed by them and submitted on 27.12.2010, 28.12.2010 and 29.12.2010 respectively, which was much subsequent to their arrest and registration of the said crime on 17.04.2010.”

JUDGMENT (Emphasis supplied)

- 7.** We have also gone through Annexure P1-FIR wherein it is recorded that the appellants have been removed under Section 151 of The Code of Criminal Procedure, 1973. There is no case for the respondents that the petitioners had been informed of registration of the case. It is not stated in the FIR as to what was the cognizable offence which the appellants had

designed to commit. There is also no case for the respondents that the appellants had been informed of their arrest or that they have been released on bail. In such circumstances, in our view, it cannot be said that the appellants were aware of the fact that they had been involved in any criminal case. A close analysis of the attestation form would show that only if the first question regarding involvement in any criminal case is answered in affirmative, the rest of the columns needed to be filled-up. As we have already stated above, the appellants were not aware of their involvement in any criminal case. Therefore, there is no question of their suppressing any fact regarding their alleged arrest. The whole case of respondents and, as seen by the Administrative Tribunal and the High Court, is that the appellants had suppressed their arrest in connection with FIR No. 74 of 2010. As we have explained above, it is not a situation of the appellants getting involved in a criminal case, in which they were under-trials or the trial is compounded or where there is conviction or acquittal, as explained in column 16(f) as the attributes of a criminal case. If that be so, the

appellants were not expected even to fill-up column no. 16(e) and, thus, there is no question of any suppression of any material fact.

- 8.** The appeal is allowed. The impugned judgment dated 10.04.2012 of the High Court, order dated 28.09.2011 of the Administrative Tribunal and the impugned memoranda dated 20.04.2011 and 21.04.2011 are set aside. The appellants shall be re-inducted for training immediately. They shall be permitted to complete the training to the extent of the unexpired period. Their original seniority shall be restored. The appellants shall be entitled to continuity of service at par with their compeers. However, we make it clear that they shall not be entitled to any emoluments during the period they had been kept out. But it is made clear that if this order is not implemented within a period of one month from the date of production of copy of this judgment before the first respondent, the appellants shall be entitled to all service benefits including the salary for the period they have been kept out and the officers responsible for the delay will be personally liable for the same.

9. We find that there were four candidates proceeded against on this issue. All the four were before the State Administrative Tribunal and the High Court. Apparently, one among them has not traveled to Delhi, to this Court. If the same is owing to financial constraints, justice shall not be denied to him on that count. For doing complete justice in this cause, we make it clear that the benefit of this judgment shall be available to the third petitioner before the Tribunal and the High Court (Vanamadi Beema Raju), in case he is interested, who shall be duly informed.

10. There is no order as to costs.

.....J.

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(GYAN SUDHA

MISRA)

.....J.

.....
(KURIAN
JOSEPH)

New Delhi;
July 11, 2013.