DELHI ADMINISTRATION THROUGH ITS CHIEF SECRETARY AND ORS.

v.

SUSHIL KUMAR

OCTOBER 4, 1996

[K. RAMASWAMY AND S.P. KURDUKAR, JJ.]

Service Law :

Recruitment of Police Constables—Antecedents of candidate—Candidate found fit and selected provisionally—Selection subject to verification of character and antecedents—Antecedents were found not suitable for appointment—Held, verification of character and antecedents is one of the important criteria to test whether the selected candidate is suitable to the post—Appointing authority has rightly found the candidate not desirable to appoint him to the service.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 13231 of 1996.

From the Judgment and Order dated 6.9.95 of the Central Administrative Tribunal at Delhi in O.A. No. 1756 of 1991.

P.A. Choudhary, D.V. Padurpuja and B.K. Prasad for the Appellants.

Sanjay Kapur and Mrs. Shubhra Kapur for the Respondent.

The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel on both sides.

This appeal by special leave arises from the order of the Central Administrative Tribunal, New Delhi made on September 6, 1995 in OA No. 1756/91. The admitted position is that the respondent appeared for recruitment as a Constable in the Delhi Police Services in the year 1989-90 with Roll No. 65790. Though he was found physically fit through endurance test, written test and interview and was selected provisionally; his selection

A was subject to verification of character and antecedents by the local police. On verification, it was found that his antecedents were such that his appointment to the post of Constable was not found desirable. Accordingly, his name was rejected. Aggrieved by proceedings dated December 18, 1990 culminating in cancellation of his provisional selection, he filed OA in the Central Administrative Tribunal. The Tribunal in the impugned B order allowed the application on the ground that since the respondent had been discharged and/or acquitted of the offence punishable under Section 304 IPC, under Section 324 read with 34 IPC and under Section 324 IPC, he cannot be denied the right of appointment to the post under the State. The question is : whether the view taken by the Tribunal is correct in law? C It is seen that verification of the character and antecedents is one of the important criteria to test whether the selected candidate is suitable to a post under the State. Though he was physically found fit, passed the written test and interview and was provisionally selected, on account of his antecedent record, the appointing authority found it not desirable to appoint a D person of such record as Constable to the disciplined force. The view taken by the appointment authority in the background of the case cannot be said to be unwarranted. The Tribunal, therefore, was wholly unjustified in giving the direction for reconsideration of his case. Though he was discharged or acquitted of the criminal offences, the same has nothing to do with the question. What would be relevant is the conduct or character of the E candidate to be appointed to a service and not the actual result thereof. If the actual result happened to be in a particular way, the law will take care of the consequences. The consideration relevant to the case is of the antecedents of the candidate. Appointing Authority, therefore, has rightly focussed this aspect and found him not desirable to appoint him to the F service.

The appeal is accordingly allowed. The order of the Tribunal stands set aside. No costs.

R.P. Appeal allowed.