

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10878 of 2012

=====

Rajesh Kumar Mahto S/O Dinanath Mahto, R/O Village- Bardahiya, P.S.-
Marhowrah, District- Saran (Chapra).

... .. Petitioner

Versus

1. The Union of India through Inspector General of Police, CRPF, Patna.
2. The Director General of Police, G C- Mze, C.R.P.F., Muzaffarpur.
3. The Director General of Police, G C, M K I, C.R.P.F., Mokamaghat.
4. The Commandant-36, B N, C.R.P.F., Khonsa, Tirap, Arunachal Pradesh.

... .. Respondents

=====

Appearance:

For the Petitioner : Mr. Mukesh Kumar, Advocate
For the UoI : Mr. Rajesh Kumar, CGC

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 22-04-2024

Heard Mr. Mukesh Kumar, the learned counsel for the petitioner and Mr. Rajesh Kumar, the learned counsel appearing on behalf of the Union of India.

2. The present writ petition has been filed for quashing the order dated 12.01.2012 (Annexure-9) and order dated 26.04.2012 (Annexure-1), whereby the respondent authority has rejected the case of the petitioner under Rule-5 (2) (a) of Central Civil Services (Hereinafter referred to as 'CCS') (Temporary Service Rule, 1965).

3. Learned counsel for the petitioner submits that pursuant to an advertisement published by the respondents, the



petitioner applied for the post in question and subsequently he got selected and was appointed to the said post on 15.05.2010.

4. Learned counsel for the petitioner submits that after his enrollment, he filled up the form no. 25 and gave declaration with respect to the various details and also with respect to his character and antecedent. Learned counsel for the petitioner submits that he has filed the same on 09.06.2010, whereby he has stated that there is no case pending against him. Learned counsel for the petitioner submits that on the date of filing the form with respect to the character and criminal antecedent, the petitioner had no prior knowledge about the criminal case and unexpectedly on 12.01.2010, the respondent no. 4 issued an order by which the petitioner was terminated under Rule-5 (1) of CCS (Temporary Service Rule, 1965), which is as under:

“(1) (a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month.

Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was



drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.

NOTE:- The following procedure shall be adopted by the appointing authority while serving notice on such Government servant under clause (a).

(i) The notice shall be delivered or tendered to the Government servant in person.

(ii) Where personal service is not practicable, the notice shall be served on such Government servant by registered post, acknowledgement due at the address of the Government servant available with the appointing authority.

(iii) If the notice sent by registered post is returned unserved it shall be published in the Official Gazette and upon such publication, it shall be deemed to have been personally served on such Government servant on the date it was published in the Official Gazette.”

5. Learned counsel for the petitioner submits that petitioner challenged the termination order in CWJC No. 2236 of 2012 and the same was withdrawn on 03.02.2012 with a liberty to avail the remedy under Rule-5 (2)(a) of CCS (Temporary Service Rule, 1965) and the writ petition was disposed of with a direction to dispose of the application of the petitioner in six weeks from the date of publication.

6. Learned counsel for the petitioner submits that in



terms of Rule-5 (2)(a) of CCS (Temporary Service Rule, 1965) petitioner has filed an application before the appellate authority and the appellate authority has rejected the appeal of the petitioner vide order dated 26.04.2012.

7. Learned counsel for the petitioner lastly submits that the petitioner has been acquitted in 2016.

8. Learned counsel for the Union of India has filed a counter-affidavit stating therein that the petitioner has filed the form for character / criminal verification on 09.06.2010 and before the filing of the form, the petitioner was fully aware that a criminal case is pending against him and he had already moved before the competent Court of law for grant of anticipatory bail on 11.03.2010 and he filed the said form on 09.06.2010, therefore, the respondents have rightly terminated the service of the petitioner under Sub-rule (1) of Rule 5 of CCS (Temporary Service Rule, 1965) and the same was affirmed by the appellate authority vide order dated 26.04.2012 and there is no infirmity in the impugned order.

9. In view of the aforesaid, it transpires that the petitioner has suppressed the fact about his involvement in the criminal case in the concerned column of the verification roll in CRPF Form No. 25, as per warning mentioned in the



verification roll regarding furnishing false information or suppression of any factual information in the verification roll would be a disqualification, and authority has rightly terminated the service of the petitioner.

10. There is no merit in the writ petition and accordingly, the writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

