



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 15388/2023

Satyanarayan Meena S/o Shri Ram Pal Meena, Aged About 25
Years, Resident Of Village Sirodi, District Chittorgarh, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Secretary, Rajasthan Staff Selection Board, State Institute Of Agriculture Management Premises, Durgapura, Jaipur, Rajasthan.
3. The Director, Elementary Education And Panchayati Raj (Elementary Education) Rajasthan, Bikaner.
4. The District Education Officer (Headquarter), Elementary Education, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Mahaveer Singh
For Respondent(s)	:	Mr. Deepak Chandak with Ms. Sonal Parihar for Mr. B. L. Bhati, AAG Mr. Anurag Bhojwani for Mr. Manvendra K.S. Bhati

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

Reportable

12/09/2024

1. Heard learned counsel for the parties.
2. The present writ petition has been filed by the petitioner with the prayer that he may be granted appointment on the post of Primary School Teacher (General/Special Education) (Level-1) in pursuance of the selection process undertaken vide advertisement dated 16.12.2022.



3. Briefly noted the facts in the present case are that the petitioner applied for the post of Primary School Teacher (General/Special Education) (Level-1) in pursuance of the advertisement issued by the respondents on 16.12.2022. After having cleared the written examination, the petitioner was called for the verification of his documents. After scrutinizing the documents, the respondents found that the petitioner suppressed the information with respect to pendency of a criminal case against him. Consequently, the respondents did not issue the appointment order in favour of the petitioner. Hence, the present writ petition has been filed.

4. Learned counsel for the petitioner vehemently submits that the petitioner is a meritorious person and has cleared the written examination. He submits that in the attestation form submitted by the petitioner, he left the Column No.12-blank. He further submits that the petitioner submitted three attestation forms and in Column No.12 of the 1st attestation form, he mentioned that 'Yes- one case is pending(domestic violence)'. In the 2nd attestation form submitted by the petitioner, the Column No.12 was left blank. He also submits that when the petitioner was called for the document verification, he submitted all the requisite documents including the document of the criminal case and, therefore, he has not suppressed any information from the respondent-Department. Learned counsel, therefore, prays that the respondents may be directed to issue appointment order in favour of the petitioner.

5. Per contra, learned counsel for the respondents, while negating the arguments of the learned counsel for the petitioner,



submits that it is a clear case of concealment and misrepresentation practised by the petitioner. He also submits that the attestation form which is produced before this Court from Page No.66 & 67 of the writ petition, wherein Column No.12 it has been mentioned 'Yes- one case is pending (domestic violence) was never submitted to the respondent-Department. Learned counsel for the respondents also submits that the attestation form which was actually submitted by the petitioner is produced before this Court along with their additional affidavit, wherein Column No.12, the petitioner had put in a 'cross(x)'. Not only this, on 07.07.2023, the petitioner under his own signature had given in writing that there is no case of criminal nature pending or decided against him and if any information with respect to the criminal case pending or decided against the petitioner comes to the knowledge of the respondent-Department, the respondent-Department may disqualify him for appointment. The self declaration form dated 07.07.2023 is also placed on record by the respondents along with their additional affidavit.

6. Learned counsel for the respondents therefore submit that it is a clear case of suppression of material facts from the respondent-Department for getting the appointment on the post of Primary School Teacher (General/Special Education) (Level-1) as a criminal case being FIR No.222/2019 was registered against the petitioner at Police Station Chittorgarh, District Chittorgarh for the offence under Sections 452, 143, 341 & 323 of the IPC in which police, after investigation, filed charge-sheet for the offence under Sections 341, 323, 324 & 34 of IPC. Learned counsel also submits that if a person who is having the credentials as mentioned above,



is given appointment on the post of Primary School Teacher, such person would ruin and spoil future of the young generation while teaching them in school. Learned counsel for the respondents further submits that the petitioner never disclosed about the pendency of criminal case but the same was inquired by the respondent-Department on a complaint received by them. Learned counsel, therefore, pray that the writ petition may be dismissed.

7. I have considered the submissions made at the Bar and gone through the relevant record of the case.

8. The petitioner has annexed a copy of the attestation form along with the writ petition which is at Page Nos.66 & 67 of the writ petition, wherein, in Column No.12, he mentioned 'Yes-one case is pending(domestic violence)' but this attestation form was never submitted to the respondent-Department. The Column No.12 of the second attestation form which is annexed with the writ petition at Page Nos.68 & 69 was left blank. The attestation form which is submitted by the respondents along with their affidavit clearly reflects that in Column No.12, the petitioner had put in a 'cross(x)'. Further, the petitioner has also submitted a self declaration form dated 07.07.2023 which is placed on record by the respondents along with their additional affidavit, wherein, he clearly stated that neither any criminal case is pending nor decided in the past against the petitioner. It will be useful to reproduce contents of the self declaration form dated 07.07.2023 filed by the petitioner under his own signatures, pertaining to the pendency of the criminal case, therefore, the same is reproduced as under :-



“आपराधिक प्रकरण न होने का स्व-घोषणा पत्र

मैं सत्यनारायण मीणा पुत्र/पुत्री/पत्नी श्री रामपाल मीणा निवासी गांव सिरोडी पोस्ट बोरदा जिला चित्तोडगढ़ शपथपूर्वक बयान करता/करती हूँ कि

प्राथमिक विद्यालय अध्यापक सीधी भर्ती-2022 अंतर्गत जारी विज्ञप्ति संख्या - 12/2022 दिनांक : 16.12.2022 के तहत अनुसूचित/गैर अनुसूचित में अध्यापक, लेवल-प्रथम सामान्य/विशेष शिक्षा (एम.आर./वी.आई./एच.आई.श्रेणी) के पद पर विभाग द्वारा दिनांक : 26/05/2023 को दस्तावेज सत्यापन/पात्रता जाँच हेतु जारी शॉर्ट लिस्टेड अभ्यर्थियों की सूची में मेरा नाम सम्मिलित है मैं यह स्वघोषणा करता/करती हूँ कि

1. मेरे विरुद्ध किसी प्रकार का कोई आपराधिक प्रकरण विचाराधीन/लम्बित नहीं है तथा पूर्व में भी किसी प्रकार का कोई आपराधिक प्रकरण दर्ज नहीं हुआ है।
2. मेरे विरुद्ध यदि किसी प्रकार का कोई आपराधिक प्रकरण पाया जाए या मैंने आपराधिक प्रकरण के सम्बन्ध में कोई तथ्य छिपाया हो तो विभाग मुझे अपात्र घोषित कर सकता है। जिसका जिम्मेदार मैं स्वयं रहूँगा/रहूँगी।

स्थान :- चित्तोडगढ़

दिनांक :- 07/07/23

अभ्यर्थी के हस्ताक्षर सही/—

नाम :- सत्यनारायण मीणा

आवेदन संख्या :- 202326435504

रोल नंबर :- 1278937

स्व-सत्यापन

मैं सत्यनारायण मीणा पुत्र/पुत्री/पत्नी श्री रामपाल मीणा उम्र 24 वर्ष, जाति मीणा निवासी चित्तोडगढ़ व्यवसाय — सत्यापन करता/करती हूँ कि उक्त स्वघोषणा-पत्र में अंकित सभी कथन मेरी जानकारी एवं निष्ठा के अनुसार सही एवं सत्य है। इसमें मैंने कोई भी तथ्य नहीं छिपाया है। यदि मेरी उक्त घोषणा मिथ्या पाई जाती है अथवा कोई तथ्य छुपाया जाना पाया जाता है तो इसके कारण विभाग मुझे अपात्र घोषित कर सकता है।

हस्ताक्षर सही/—

अभ्यर्थी का नाम :- सत्यनारायण मीणा”

9. A criminal case being FIR No.222/2019 was registered against the petitioner at Police Station Chittorgarh, District Chittorgarh for the offence under Sections 452, 143, 341 & 323 of the IPC in which the police, after investigation, filed charge-sheet



for the offence under Sections 341, 323, 324 & 34 of IPC but this fact was not disclosed by the petitioner.

10. Narration of the above facts clearly demonstrates that petitioner has suppressed material information from the respondent-Department regarding the criminal case registered against him. It is not relevant how serious the charges were in the criminal case or under which sections, the petitioner was charged in the criminal case, what is relevant in the present case, is non-disclosure or suppression of information of criminal case in the attestation form/other forms filled in by the petitioner for seeking employment in the respondent-Department. In the opinion of this Court, suppression of the material fact itself is a ground or reason to deny the employment in the respondent-Department. It is also noteworthy that when a person is going to be appointed on the post of Teacher, the conduct & character of such person becomes all the more relevant and important. When a person is entrusted with the pious duty of imparting education and *Sanskar* to the young children, then the most important & relevant criteria for selection of that person should be trustfulness and unimpeachable integrity. In the present case, since the appointment is going to be made on the post of Primary School Teacher who is going to teach the young students in the school and, if credentials of such a person is on the foundations of falsehood, fraud and misrepresentation, then the institution in which he is going to be posted will have a bleak future. In the humble opinion of this Court such person does not deserve any leniency from the Court, even if he is meritorious.



11. The Hon'ble Supreme Court in para-12 of the judgment rendered in the case of **Rajasthan Rajya Vidyug Prasaran Nigam Ltd. V/s Anil Kanwariya, reported (2021) 10 SCC 136** has held as under : -

"12. The issue/question may be considered from another angle, from the employer's point of view. The question is not about whether an employee was involved in a dispute of trivial nature and whether he has been subsequently acquitted or not. The question is about the credibility and/or trustworthiness of such an employee who at the initial stage of the employment, i.e., while submitting the declaration/verification and/or applying for a post made false declaration and/or not disclosing and/or suppressing material fact of having involved in a criminal case. If the correct facts would have been disclosed, the employer might not have appointed him. Then the question is of TRUST. Therefore, in such a situation, where the employer feels that an employee who at the initial stage itself has made a false statement and/or not disclosed the material facts and/or suppressed the material facts and therefore he cannot be continued in service because such an employee cannot be relied upon even in future, the employer cannot be forced to continue such an employee. The choice/option whether to continue or not to continue such an employee always must be given to the employer. At the cost of repetition, it is observed and as observed hereinabove in catena of decision such an employee cannot claim the appointment and/or continue to be in service as a matter of right."

12. In view of the discussions made above, the present writ petition lacks merit and the same is, therefore, dismissed.

13. The stay petition as well as other pending applications, if any, stand disposed of.

(VINIT KUMAR MATHUR),J

24-SunilS/-

