

(1996) 11 Supreme Court Cases 605

(DEFOIRE K. RAMASWAMY AND S.P. KURUDUKAR, JJ.)

a DELHI ADMINISTRATION THROUGH ITS CHIEF
SECRETARY AND OTHERS

Appellants:

Versus

SUSHIL KUMAR

Respondent.

Civil Appeal No. 13231 of 1996^f, decided on October 4, 1996

b Service Law — Appointment — Denial of, on account of antecedent record —
Regality — Respondent found physically fit, passing written test and interview and
provisionally selected for the post of Constable in police service subject to
verification of character and antecedents — In such circumstances the respondent
although found to have been discharged or acquitted of the offences under Ss. 304,
324/34 and 324, denial of appointment to him on the ground of undesirability
thereof, held, not improper — Recruitment — Verification of past conduct

c *Held:*

d 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 the
respondent was found physically 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 person of such record as a Constable in the
disciplined force. The view taken by the appointing 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 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. (Para 3)

e Appeal allowed

HM/T/16966/SLA

Advocates who appeared in this case:

P.A. Chaudhary, Senior Advocate (O.V. Padurpuja and B.K. Prasad, Advocates, with
him) for the Appellants;

Sanjay Kapur and Ms Shubhra Kapur, Advocates, for the Respondent.

ORDER

- f
1. Leave granted.
 2. We have heard learned counsel on both sides.
 3. This appeal by special leave arises from the order of the Central
Administrative Tribunal, New Delhi made on 6-9-1995 in OA No. 1756 of 1991.
The admitted position is that the respondent appeared for recruitment as a
Constable in Delhi Police Services in the year 1989-90 with Roll No. 65790.
g Though he was found physically fit through endurance test, written test and
interview and was selected provisionally, his selection 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

h ^f From the Judgment and Order dated 6-9-1995 of the Central Administrative Tribunal at Delhi
in O.A. No. 1756 of 1991

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proceedings dated 18-12-1990 culminating in cancellation of his provisional selection, he filed OA in the Central Administrative Tribunal. The Tribunal in the impugned 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 Section 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? 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 found physically 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 person of such record as a Constable to the disciplined force. The view taken by the appointing 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 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 it not desirable to appoint him to the service.

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