

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE RAVI MALIMATH,  
CHIEF JUSTICE**

**&**

**HON'BLE SHRI JUSTICE VISHAL MISHRA**

**ON THE 16<sup>th</sup> OF SEPTEMBER, 2022**

**WRIT APPEAL No. 1037 of 2022**

**BETWEEN:-**

**PUSHPENDRA SINGH DANGI**

**.....APPELLANT**

***(BY SHRI AJAY SHANKAR RAIZADA - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH  
THROUGH ITS PRINCIPAL SECRETARY  
HOME (POLICE) DEPARTMENT VALLABH  
BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. THE DIRECTOR GENERAL OF POLICE,  
POLICE HEADQUARTERS JAHANGIRABAD  
BHOPAL (MADHYA PRADESH)**
- 3. SUPERINTENDANT OF POLICE  
CHHATARPUR DISTRICT CHHATARPUR  
(MADHYA PRADESH)**

**.....RESPONDENTS**

( *BY SHRI ROHIT JAIN - GOVERNMENT ADVOCATE* )

.....

*This appeal coming on for admission this day, Hon'ble Shri Justice Ravi Malimath, Chief Justice passed the following:*

**ORDER**

Aggrieved by order dated 13.06.2022 passed by the learned Single Judge in dismissing Writ Petition No.10541 of 2022, the writ petitioner is in appeal.

2. The brief facts of the case are that the petitioner applied for the post of Constable (Driver) in the Police Department. The application was rejected on the ground that he has suppressed information with regard to registration of a criminal case against him in the year 2014 in Crime No. 103 of 2014 for offence punishable under Sections 294,336 and 506 of the I.P.C. Thereafter, he filed W.P. No. 12936 of 2017 challenging the said order. The writ petition was disposed off by order dated 06.03.2019 directing the respondents to consider and decide the petitioner's representation. The same was not done. A contempt of court case was filed in CONC. No.1753 of 2019. Thereafter, an appointment order was issued on 24.01.2020. Much after the appointment order was passed, the petitioner filed an affidavit on 12.05.2020 stating that after 2016, one criminal case was registered against him. On coming to know of the same, the respondents passed the impugned order dated 29.01.2021 terminating the services of the petitioner on the ground that the petitioner suppressed the fact with regard to the pendency of the criminal case against him. Questioning the same, Writ Petition No. 10541 of 2022 was filed.

3. The learned Single Judge by the impugned order came to the conclusion that the conduct of the petitioner is unbecoming of a member

of the Police force and his action in suppressing information cannot be condoned. Therefore, the writ petition was dismissed. Questioning the same, the instant writ appeal is filed.

4. Heard learned counsels.

5. Learned counsel for the petitioner relies on the judgments of the Hon'ble Supreme Court reported in (2016) 8 SCC 471 in the case of Avtar Singh Vs. Union of India and others and the judgment dated 02.05.2022 passed in Civil Appeal No.3574 of 2022 (Pawan Kumar Vs. Union of India and another) to contend that the extent of suppression and what has been suppressed has to be looked into. That every case cannot be considered in a straight jacket formula. The facts and circumstances of the each case are different.

6. However, on hearing the learned counsel, we do not find any ground to interfere in this appeal. When the earlier Writ Petition No. 12936 of 2017 was disposed off by the order dated 06.03.2019, admittedly there was already a case lodged against the petitioner, namely the second case in Crime No.136 of 2018 for offence punishable under Sections 452,323,294,325 and 506/34 of the I.P.C. It was almost one year before the order was passed. The petitioner has suppressed this fact and not brought it to the notice of the Writ Court. The Writ Court being oblivious of this fact, passed the order directing his appointment.

7. We asked a specific question to the learned counsel for the petitioner as to what is his reply to the suppression of this fact. His plea is that he is ignorant of it. However, we cannot accept the fact that an accused can be ignorant of a criminal case lodged against him. Even so far as the proximity is concerned, the criminal case was lodged almost one year earlier to the passing of the order. Therefore, the petitioner

should have been honest in bringing this fact to the notice of the Court. He has deliberately suppressed the information and therefore, compelled the learned Single Judge to pass an illegal order in his favour. The man who comes to the Court with unclean hands would not be entitled to any relief. He has deliberately suppressed this information. This is not a first case of any criminal offence lodged against him. This is the second time that he is involved in criminal offences. Therefore, we are of the view that consideration of the contention with regard to the merit of the appointment order, in our considered view, may not be necessary. The foundation of this case being the order dated 06.03.2019 passed by this Court in Writ Petition No.12936 of 2017 itself suffers from suppression of fact. Therefore, no relief could be granted to the appellant.

8. Consequently, we do not find any merit in this appeal. In view of suppressing the fact before the learned Single Judge, we deem it just and appropriate that cost be imposed on the petitioner/appellant.

9. Accordingly, the writ appeal is dismissed by imposing cost of Rs.10,000/- to be paid with the Registry of this Court within four weeks.

**(RAVI MALIMATH)**  
**CHIEF JUSTICE**

**(VISHAL MISHRA)**  
**JUDGE**

msp