

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 5329/2017

STATE OF KARNATAKA & ORS.

Appellant(s)

VERSUS

R.L.LAXMIPATI

Respondent(s)

O R D E R

Having gone through the Appellate Tribunal's Judgment in some detail, we are of the view that the Appellate Tribunal was correct in its finding that no mis-statement was, in fact, made on the facts of the present case. In paragraph 13, the Appellate Tribunal held as follows :-

"There is no dispute regarding the columns 13, 14 and 15 of the application form for purpose of selection and appointment to the post of Police Sub-Inspector. Column No.13 says whether the applicant was convicted in any criminal case. As to that column, the applicant has correctly answered that he was not convicted in any criminal case as he was not convicted in any criminal case, much less the one which was pending against him. Similarly, Sl. No.14 of the application, the question was as to whether the applicant was arrested in the criminal case and the applicant has said no to the said column. It is not in dispute that the applicant was neither arrested nor put in judicial custody with respect to the said criminal case. Column No.15 in the application form was to the effect that whether the applicant was subjected to any trial in any criminal case. It is also not in dispute that no

evidence/trial was started when the applicant gave the application. Therefore, as rightly pointed out by the learned counsel for the applicant, the applicant has answered the questions that were put in Columns 13, 14 and 15 to the point."

In view of the fact that the foundational fact for discharge was non-existent, the Appellate Tribunal rightly set aside the discharge order.

In this view of the matter, it is not necessary to go into the Judgment reported in "*Avtar Singh versus Union of India and Others*" (2016) 8 SCC 471 and/or whether there was a mistake in stating that this was a covered matter or otherwise.

On the facts of this case, therefore, the Civil Appeal filed by the appellants - State of Karnataka stands dismissed.

.....J
(ROHINTON FALI NARIMAN)

.....J
(ABHAY MANOHAR SAPRE)

NEW DELHI;
26TH APRIL, 2017.

ITEM NO.1

COURT NO.12

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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(Office Report)

Date: 26/04/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s)

Mr. V. N. Raghupathy, AOR

For Respondent(s)

Mr. D.K. Thakur, Adv.

Mr. Sudarsh Menon, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal stands dismissed in terms of the signed order.

(VISHAL ANAND)

COURT MASTER

(SNEH LATA SHARMA)

COURT MASTER

(Signed Order is placed on the file)