

**In the High Court of Madhya Pradesh**  
**WP 22613/2017**  
**Pramod Goswami vs. State of MP & Others**  
**Gwalior, dtd. 20-02-2019**

Shri MPS Raghuvanshi, counsel for the petitioner.

Shri SN Seth, Government Advocate for the respondents/State.

This petition under Article 226 of the Constitution of India has been filed against the order dated 29-08-2017 (Annexure P1), by which the candidature of the petitioner for the post of Constable has been cancelled on the ground that he had furnished wrong information and has deliberately suppressed the fact of registration/pendency of a criminal case as well as that offence under Section 325 of IPC involves moral turpitude.

The necessary facts for the disposal of the present petition in short are that in the year 2013, an advertisement was issued by the Police Department for filling up various posts of Constable and the petitioner had also submitted his application form. A written examination was conducted on 15-09-2013 and the petitioner cleared the same. Thereafter, a physical test was conducted by the respondents on 08-02-2014 and the petitioner was selected for the post of Constable. In the meanwhile, a criminal case was registered on 31/10/2013 against the petitioner for offence under Sections 148, 294, 325, 440, 447 and 506-II of IPC, however, verification form was submitted by the petitioner in the month of May, 2014 in which it was mentioned that neither any criminal case has been registered nor is pending. The petitioner, thereafter, was acquitted by the Court of competent jurisdiction by judgment dated 9<sup>th</sup> July, 2014. When police verification was done, it was found that one criminal case was registered against

the petitioner in Police Station Jaura, District Morena and the petitioner had suppressed the said fact in the verification form, therefore, the selection of the petitioner was cancelled and accordingly, the respondent No.3 was requested to delete the name of the petitioner from the select list.

Being aggrieved by the order dated 09-10-2014 written by Superintendent of Police to the respondent No.3, the petitioner approached this Court by filing WP No. 6610/2014 and the said writ petition was finally disposed of by this Court by order dated 15-02-2017 with the following directions:-

"1. The respondent No.2 shall reconsider the case of the petitioner to adjudge his suitability for retention in police force in terms of the above directions keeping the law laid down by the Apex Court (Avtar Singh Vs. Union of India & Ors.) in mind.

2. Case of the petitioner shall be decided within 60 days from the date of receipt of the copy of this order.

3. The necessary decision taken by the employer shall be communicated to the petitioner within the above said period.

4. While considering the case of the petitioner the respondent shall not be influenced by passing of the impugned termination order and the fact of the petitioner having approached this Court.

5. It is needless to emphasis that in case, the decision that is ultimately taken by the employer after due consideration in terms of the directions given above, is of retaining the petitioner in service then appropriate orders for reinstatement shall be passed as expeditiously as possible by giving the petitioner continuity in service along with all the consequential benefits."

It is submitted that though this Court had directed the respondents to decide the candidature of the petitioner in the light of law laid down by the Supreme Court in the case of **Avtar Singh vs. Union of India and Others**, reported in **(2016) 8 SCC 471** but the respondents did not consider the candidature of the petitioner in the light of law laid down by the Supreme Court in the case of **Avtar Singh (supra)** and has passed the impugned order.

Challenging the order dated 29<sup>th</sup> August, 2017 (Annexure P1) passed by the Superintendent of Police, Dewas, it is submitted by counsel for the petitioner that the candidature of the petitioner has been cancelled on the ground that the petitioner had not disclosed the fact of registration of criminal case in his verification form and offence under Section 325 of IPC amounts to moral turpitude in the light of the circular No.F-17-74/2002/2/C-1, Bhopal, dated 5<sup>th</sup> June, 2003 and the acquittal of the petitioner was not clean acquittal or honourable acquittal. It is also mentioned in the impugned order that the character of the candidate seeking recruitment in the Police Department should be of high level and it is expected that the candidate must be of honest character and if a candidate was involved in criminal activities in the past, then the possibility of his involvement in such activities in future cannot be ruled out and accordingly, the candidature of the petitioner was rejected.

It is submitted by the counsel for the petitioner that so far as non-disclosure of registration of FIR or giving wrong information by the petitioner is concerned, it is true that in the verification form the petitioner had disclosed that no criminal case was ever registered against him and no charge sheet was ever filed and no case has been decided. The columns requiring information that whether the petitioner was acquitted and whether such acquittal was on the ground of benefit of doubt or withdrawal from prosecution, are blank. It is further admitted that an affidavit was also given by the petitioner in support of his verification form and in that affidavit also, he has specifically stated that no criminal case was ever registered against him and no case is pending against him, but in the light of the

judgment passed by the Supreme Court in the case of **Avtar Singh (Supra)**, mere registration of criminal case against the candidate would not dis-entitle him for recruitment to the Government jobs. It is admitted by the counsel for the petitioner that the verification form along with an affidavit was submitted by the petitioner in the month of May, 2014 and on the said date, the criminal case was pending against him. However, it is further submitted that the criminal case has resulted in his acquittal by judgment dated 9<sup>th</sup> July, 2014 passed by the Court of Judicial Magistrate First Class, Jaura, District Morena in Criminal Case No.1016/2013. The counsel for the petitioner has also admitted that the material information was suppressed by the petitioner and he had given an incorrect information by mentioning that no case was ever registered against him and no criminal case is pending against him, whereas a criminal case was pending against the petitioner on the day when the verification form was submitted. It is submitted by the counsel for the petitioner that so far as the offence under Section 325 of IPC is concerned, the Home Department of State of MP, Bhopal by circular dated 24<sup>th</sup> July, 2018 has modified the earlier circular and has not deleted the offence under Section 325 of IPC from the category of "**moral turpitude**".

The counsel for the petitioner has also relied upon the judgment passed by the Supreme Court in the case of **Joginder Singh vs. Union Territory of Chandigarh and Others**, reported in (2015) 2 SCC 377 and submitted that the acquittal by the Trial Court on the ground that the complainant and the injured witnesses have failed to identify the assailants, would amount to honourable acquittal and thus, the petitioner should not have been denied appointment on the

post in question.

*Per contra*, it is submitted by the Government Advocate for the State that the candidature of the petitioner has been rejected because he had given incorrect information in the verification form. Even the affidavit given by the petitioner in support of his verification form is incorrect. A wrong information was given by the petitioner and he had tried to mislead the Police Department. In the verification form itself, "**warning**" was printed on the front page, in which it was specifically mentioned that in case any incorrect information is given or in case any material information is suppressed, then the said candidate can be held to be unfit for recruitment. It was also specifically mentioned that in case if a candidate was ever prosecuted and even if he might have been acquitted or the closure report might have been filed or the matter might have been compromised, even then the details of the same must be given in the verification form and it was also mentioned in the verification form that in case, if any wrong information is given or any material information is suppressed and if the said aspect comes to the light even after recruitment, then the services of the candidate can be terminated. It is further submitted that it is the case of furnishing wrong information and thus, candidature of the petitioner has been correctly terminated. It is submitted by the Government Advocate for the State that so far as the circular dated 24<sup>th</sup> July, 2018 is concerned, it does not have any retrospective effect and it has no application under the facts and circumstances of the case.

Heard the learned Counsel for the parties.

After the petitioner was declared successful, he was required to fulfil the

verification form. The verification form begins with "warning" which is as under:-

"चेतावनी"

1. अनुप्रमाणन फार्म में असत्य जानकारी देना या किसी तथ्यात्मक जानकारी को छिपाना अनर्हता मानी जायेगी, और ऐसा करने से उम्मीदवार शासन के अधीन नियोजन के लिये अनुपयुक्त ठहराया जा सकेगा।

2. यदि इस फार्म को भरने और भेजने के बाद उम्मीदवार को नजरबन्द या गिरफ्तार किया जाता है, अथवा उस पर मुकदमा चलाया जाता है, अथवा उसे विवर्जित किया जाता है या दोष मुक्त आदि किया जाता है तो ब्यौरे तथा स्थिति, राज्य लोक सेवा आयोग या उस प्राधिकारी को, जिसे अनुप्रमाणन फार्म पहले भेजा गया हो, तत्काल सूचित किये जाने चाहिए, अन्यथा यह माना जायेगा कि तथ्यात्मक जानकारी छिपाई गई है। अतः यह स्वयं उम्मीदवार के हित में होगा कि वह उन मामलों के पूरे ब्यौरे प्रस्तुत करें जिनमें उसे गिरफ्तार किया गया था, उस पर अभियोजन चलाया गया था, आदि भले ही मामले अंतिम रूप से प्रतिवेदित कर दिये गये हों (खात्मा), वापस ले लिये गये हों, या उनमें अन्ततः दोष मुक्ति हो गई हो, या समझौता कर लिया गया हो।

3. यदि यह तथ्य कि अनुप्रमाणन फार्म में असत्य जानकारी दी गई है या यह कि कोई तथ्यात्मक जानकारी छिपाई गई है, किसी भी व्यक्ति की सेवा के दौरान किसी भी समय ध्यान में आये तो उसकी सेवायें समाप्त की जा सकेंगी। "

Clause 12 of the verification form as well as the information given by the petitioner is reproduced as under:-

"12.(क) क्या आप कभी गिरफ्तार गये गये हैं? क्या आप पर कभी अभियोजन चलाया गया है? क्या आप कभी निरूद्ध किये गये हैं, या आपसे मुचलका लिया गया है? आप पर जुर्माना किया गया है? क्या आप किसी अपराध के लिये न्यायालय द्वारा दोषी ठहराये गये हैं, या आपको किसी भी लोक सेवा आयोग द्वारा, उसके द्वारा संचालित परीक्षाओं (किये जाने वाले चयनों में सम्मिलित होने वर्जित किया गया है, उसके लिए अनर्ह ठहराया गया, या क्या आपको किसी भी विश्वविद्यालय या किसी भी अन्य शैक्षणिक प्राधिकरण) संस्था द्वारा किसी भी परीक्षा में बैठने से वर्जित किया गया है/निष्काषित किया गया है।

(ख) क्या इस अनुप्रमाणन फार्म को भरते समय किसी भी न्यायालय, विश्वविद्यालय किसी भी शैक्षणिक प्राधिकरण/संस्था में आपके विरुद्ध कोई मामला लम्बित है? यदि (क) अथवा (ख) में पूछे गये प्रश्नों के सम्बन्ध में आपके उत्तर "हां" में हो तो आपको इस अनुप्रमाणन फार्म को भरते समय मामले, गिरफ्तारी, निरोध, जुर्माने, दोष सिद्धी तथा दण्डादेश आदि के पूरे ब्यौरे प्रस्तुत करने चाहिए तथा इस फार्म को भरते समय न्यायालय/विश्वविद्यालय/शैक्षणिक प्राधिकरण आदि के समक्ष जो मामला लंबित हो उसका स्वरूप बतलाना चाहिए। इस जानकारी, जहां लागू हो वहां निम्नलिखित ब्यौरे भी दिये जायें :-

(क) अपराध/आरोप— .....नहीं.....  
 (दो) पुलिस थाने में पंजीयत— .....नहीं.....  
 (तीन) यदि न्यायालय में चालान प्रस्तुत किया गया हो तो न्यायालय का नाम— .....नहीं.....  
 (चार) मामले का क्रमांक, न्यायालय द्वारा

उसका निपटारा किस तारीख को किया गया— .....नहीं.....  
 (पांच)दिया गया दण्ड— .....  
 (छः)क्या दोष—मुक्त कर दिया गया— .....  
 (सात) दोष—मुक्त सन्देह के लाभ पर आधारित थी, या मामला वापिस ले लिया गया था?.....  
 (टिप्पणी:— कृपया इस अनुप्रमाणन फार्म के ऊपर दी गई "चेतावनी" भी देखें।) "

At the end of Clause 12 of the verification form, again a note has been appended for the candidates that they must look at the ' **warning**' given in the beginning of verification form. The petitioner had also submitted an affidavit in support of the verification form, which is reproduced as under:-

**" शपथ—पत्र**

मैं प्रमोद गोस्वामी पुत्र रमेशचंद गोस्वामी आयु 23 वर्ष जाति गोस्वामी निवासी मानपुर बल्ला तहसील जौरा जिला मुरैना म0प्र0 निम्न लिखित कथन करता हूं कि—

(1)यह कि— उपरोक्त पते पर----- वर्ष से रह रहा हूं मेरा पता सही एवं सत्य है।

(2)यह कि— मेरे उपर किसी भी न्यायालय/थाने में कभी भी कोई प्रकरण/आपराधिक प्रकरण दर्ज नहीं हुआ और न ही वर्तमान में दर्ज/लंबित है।

(3)यह कि— मैंने अनुप्रमाणन-फार्म /आवेदन पत्र के सभी बिन्दुओं/कॉलमों की पूर्ति मेरे द्वारा की गई है। एवं कोई भी बिन्दू/कॉलम की पूर्ति हेतु रिक्त नहीं है तथा जो भी जानकारी एवं जो भी दस्तावेज संलग्न प्रस्तुत किये हैं वह सभी सही एवं सत्य है।

(4)यह कि— पुलिस विभाग में आरक्षक जी डी पद पर नियुक्ति हेतु उपरोक्त कथन के प्रमाण स्वरूप यह शपथ—पत्र प्रस्तुत कर रहा हूं।

(5) यह कि— शपथ—पत्र में उपरोक्त सभी दर्शाये गये तथ्य सत्य वसही है उपरोक्त तथ्यों के समर्थन में मैं यह शपथ—पत्र प्रस्तुत कर रहा हूं यदि इसमें कोई त्रुटि पाई जाती है तो मुझे शासकीय सेवा के अयोग्य समझा जावें।

शपथ—पत्र

**सत्यापन**

मैं उपरोक्त शपथ ग्रहिता सत्यापित करता हूं कि उक्त वर्णित सही जानकारी/ तथ्य मेरे निजी ज्ञान व विश्वास के अनुसार सही एवं सत्य है सत्यापन आज दिनांक 3.5.2014 को ----- किया गया है।

शपथ—पत्र "

Thus, it is clear that not only in the verification form, which was submitted by the petitioner in the month of May, 2014, the petitioner had specifically given a wrong information with regard to registration and pendency of the criminal case, but he had also given an incorrect affidavit. In Clause (2) of the affidavit, the petitioner has specifically stated that no criminal case was ever registered

against him and no criminal case is pending against him. He had also given a "**Declaration**" in the affidavit that all the information given in the verification form are correct. Thus, it is clear that a false affidavit was given by the petitioner because on the day when the verification form was submitted, a criminal case was not only registered against him but the Trial was also pending before the Court of competent jurisdiction. Further, as per circular dated 5<sup>th</sup> June, 2003, the offence under Section 325 of IPC was under the category of offences involving "**Moral Turpitude**".

The Supreme Court in the case of **Avtar Singh (supra)** has held as under:-

"38.1 Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2. While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3. The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

*38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/ verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted :*

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2 Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3 If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of



reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case.

38.7. In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8. If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9. In case the employee is confirmed in service, holding Departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10. For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

38.11. Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him."

Thus, it is clear that the Supreme Court has specifically held that there should not be any suppression or false mention of required information. In the case of **Avtar Singh (supra)**, it is further held by the Supreme Court that in case of suppression or false information of involvement in a criminal case where

conviction or acquittal has already been recorded **"before"** filing of the application/verification form and such fact later comes to the fact of the employer or the appointing authority, then he can follow certain recourse mentioned in paragraph 38.4 of the judgment. However, in the present case, the acquittal has been recorded after submission of the verification form and on the date of the submission of verification form, the trial under Section 325 and other Sections of IPC was already pending and the petitioner has deliberately given a false information that neither any offence is registered against him nor any Trial is pending.

The Supreme Court in the case of **State of Madhya Pradesh and Others vs. Abhijit Singh Pawar**, passed in **Civil Appeal No. 11356 of 2018 (Arising out of SLP (c) No.17404 of 2016)** by judgment dtd. 26<sup>th</sup> November, 2018 has observed as under:-

"14. In Avtar Singh (supra), though this Court was principally concerned with the question as to non-disclosure or wrong disclosure of information, it was observed in paragraph 38.5 that even in cases where a truthful disclosure about a concluded case was made, the employer would still have a right to consider antecedents of the candidate and could not be compelled to appoint such candidate.

15. In the present case, as on the date when the respondent had applied, a criminal case was pending against him. Compromise was entered into only after an affidavit disclosing such pendency was filed. On the issue of compounding of offences and the effect of acquittal under Section 320(8) of Cr.P.C., the law declared by this Court in Mehar Singh (supra), specially in paragraphs 34 and 35 completely concludes the issue. Even after the disclosure is made by a candidate, the employer would be well within his rights to consider the antecedents and the suitability of the candidate. While so considering, the employer can certainly take into account the job profile for which the selection is undertaken, the severity of the charges levelled against the candidate and whether the acquittal in question was an honourable acquittal or was merely on the ground of benefit of doubt or as a result of composition.

16. The reliance placed by Mr. Dave, learned Amicus Curiae on the decision of this Court in Mohammed Imran (supra) is not quite correct and said decision cannot be of any assistance to the respondent. In para 5 of said decision, this Court had found that the only allegation against the appellant therein was that he was travelling in an auto-rickshaw which was following the auto-rickshaw in which the prime accused, who was charged under Section 376 IPC, was travelling with the prosecutrix in question and that all the accused were acquitted as the prosecutrix did not support the allegation. The decision in Mohammed Imran (supra) thus turned on individual facts and cannot in any way be said to have departed from the line of decisions rendered by this Court in Mehar Singh (supra), Parvez Khan (supra) and Pradeep Kumar (supra).

17. We must observe at this stage that there is nothing on record to suggest that the decision taken by the concerned authorities in rejecting the candidature of the respondent was in any way actuated by mala fides or suffered on any other count. The decision on the question of suitability of the respondent, in our considered view, was absolutely correct and did not call for any interference. We, therefore, allow this appeal, set aside the decisions rendered by the Single Judge as well as by the Division Bench and dismiss Writ Petition No.9412 of 2013 preferred by the respondent. No costs."

The Supreme Court in the case of **Union of Territory, Chandigarh Administration and Ors. vs. Pradeep Kumar and Another**, reported in (2018)

1 SCC 797 has held as under:-

"11. Entering into the police service required a candidate to be of good character, integrity and clean antecedents. In [Commissioner of Police, New Delhi and Another v. Mehar Singh](#) (2013) 7 SCC 685, the respondent was acquitted based on the compromise. This Court held that even though acquittal was based on compromise, it is still open to the Screening Committee to examine the suitability of the candidate and take a decision.....

12. While considering the question of suppression of relevant information or false information in regard to criminal prosecution, arrest or pendency of criminal case(s) against the candidate, in [Avtar Singh v. Union of India and Others](#)(2016) 8 SCC 471, three-Judges Bench of this Court summarized the conclusion in para (38). As per the said decision in para (38.5), (SCC p. 508)

"38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate."

13. It is thus well settled that acquittal in a criminal case does not

automatically entitle him for appointment to the post. Still it is open to the employer to consider the antecedents and examine whether he is suitable for appointment to the post. From the observations of this Court in Mehar Singh and Parvez Khan cases, it is clear that a candidate to be recruited to the police service must be of impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged, it cannot be presumed that he was honourably acquitted/completely exonerated. The decision of the Screening Committee must be taken as final unless it is shown to be mala fide. The Screening Committee also must be alive to the importance of the trust repose in it and must examine the candidate with utmost character.

\* \* \*

17. In a catena of judgments, the importance of integrity and high standard of conduct in police force has been emphasized. As held in Mehar Singh case, the decision of the Screening Committee must be taken as final unless it is mala fide. In the case in hand, there is nothing to suggest that the decision of the Screening Committee is mala fide. The decision of the Screening Committee that the respondents are not suitable for being appointed to the post of Constable does not call for interference. The Tribunal and the High Court, in our view, erred in setting aside the decision of the Screening Committee and the impugned judgment is liable to be set aside.

Since the petitioner was seeking recruitment in an Uniform Force, then a different yardstick can be applied with regard to suppression of material facts. An attempt has been made by the petitioner to fraudulently obtain the appointment and this act of the petitioner by itself dis-entitles him for recruitment for the post of Constable in the Police Department because suppression of material information itself amounts to "**Moral turpitude**" and it is a distinct and separate matter.

The law laid down by the Supreme Court in the case of **Joginder Singh (supra)** would not apply to the facts of this case. Although in the present case, the petitioner has been acquitted of the charge under Section 325 of IPC but paragraph 20 of the judgment passed by the Supreme Court in the case of

**Joginder Singh (supra)** is material which reads as under:-

"20. Further, undisputedly, there has been no allegation of concealment of the fact that a criminal case was registered against him by the appellant. Thus, the appellant has honestly disclosed in his verification application submitted to the selection authority that there was a criminal case registered against him and that it ended in an acquittal on account of compromise between the parties involved in the criminal case, he cannot be denied an opportunity to qualify for any post including the post of a Constable. "

In the said case, the candidate had honestly disclosed the criminal case which was registered against him. However, in the present case, although the criminal trial was pending against the petitioner on the day when he submitted the verification form but still he deliberately concealed the fact of pendency of the criminal trial.

Thus, where the aspirant has sought a recruitment in a Uniform Force which is a disciplined force, he must disclose all the information correctly and he should not suppress any fact. Where the candidate has tried to obtain appointment on the basis of falsehood, then no mercy can be shown. Undisputedly, in the present case, an offence under Section 325 of IPC was registered against the petitioner. Furthermore, that offence was committed after having appeared in the written examination. Thus, the petitioner was already aware of the fact that he is trying for his recruitment in the Police Department but inspite of that, he was involved in commission of a criminal case. When the petitioner himself was not serious towards his career, then he cannot seek any leniency from the Court. The facts have been admittedly suppressed by the petitioner and he has admittedly furnished the wrong information. Thus, the conclusion of the respondents that since the petitioner was involved in commission of offence involving "**Moral**

**Turpitude''** and where he has tried to secure an appointment by furnishing false information and when the petitioner was involved in the commission of criminal case even after process for recruitment had already begun, then the possibility of involvement of the petitioner in any criminal activity in future, cannot be ruled out, appears to be plausible. Under these circumstances, this Court is of the considered opinion that the respondents did not commit any mistake by rejecting the candidature of the petitioner for recruitment to the post of Constable.

Accordingly, this petition fails and is hereby **dismissed**.

**(G. S. Ahluwalia)**  
**Judge**