

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE NINALA JAYASURYA

WRIT APPEAL No.270 of 2021

(Through Video-Conferencing)

Indla Ashok Reddy, S/o late I. Subba Reddy,
Aged about 34 years, Occ: nil,
R/o H.No.8/1, VM 6, Near Chandamama
Apartments, Raghavendra Nagar, Markapuram,
Prakasam District, PIN.523 316.

..Appellant

Versus

The Principal Secretary (HOME),
Home Department, Government of Andhra Pradesh,
Secretariat Buildings, Velagapudi, Guntur District
and others.

... Respondents

Counsel for the Appellant : Mr. M. Naga Raghu

Counsel for the respondents : Mr. N. Aswartha Narayana
GP for Services I

Date of hearing : 02.09.2021.

Date of Judgment : 23.09.2021

JUDGMENT

(Arup Kumar Goswami, CJ)

Heard Mr. M. Naga Raghu, learned counsel for the appellant. Also heard Mr. N. Aswartha Narayana, learned Government Pleader for Services I appearing for the respondents.

2. This writ appeal is preferred against the judgment and order dated 26.03.2021 passed by the learned single Judge dismissing W.P.No.25211 of 2020 filed by the appellant.

3. Pursuant to a notification dated 06.06.2008 issued by respondent No.2-Chairman, State Level Police Recruitment Board, Andhra Pradesh, Mangalagiri, inviting applications from the eligible candidates for selection and appointment to the post of Stipendiary Cadet Trainee Sub-Inspectors, the appellant/writ petitioner had submitted an application and participated in the selection process. He was provisionally selected for the post of Stipendiary Cadet Trainee Reserve Sub-Inspector of Police (Men) under OC category on 10.07.2011. Later on, respondent No.2 in the writ petition issued a Memorandum dated 18.02.2012 cancelling the provisional selection of the petitioner by invoking Rule 3(G)(vi) of A.P. Police (Stipendiary Cadet Trainee) Rules, 1999 as amended vide G.O.Ms.No.97 Home (Legal) Department, dated 01.05.2006, on the ground that the petitioner was involved in Crime No.132 of 2007 of Markapuram Town Police Station for the offence under Section 419 IPC and Section 3 of the Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997, which is an offence involving moral turpitude.

4. Assailing such cancellation, the petitioner had approached the A.P. Administrative Tribunal, Hyderabad by filing O.A.No.2553 of 2012. By order dated 12.08.2013, the Tribunal set aside the order of cancellation dated 18.02.2012 and directed the respondents to appoint the petitioner as Stipendiary Cadet Training RSI (AR) (Men) and send him for training. The aforesaid order of the Tribunal was challenged by respondent Nos.1 to 4 by filing W.P.No.3639 of 2014. The said writ petition was disposed of

by order dated 27.01.2020, following the order of this Court in W.P.No.34535 of 2014, dated 23.01.2020, enabling the appellant to submit a representation within a period of one month from the date of receipt of a copy of the order and providing that if any such representation is made, the authorities are to consider the same and pass appropriate orders in terms of the guidelines laid down in the judgments of the Hon'ble Apex Court in ***Avtar Singh Vs. Union of India and others***, reported in ***2016 (8) SCC 471*** and ***H. Abdul Sajid Vs. State Level Police Recruitment Board and others*** in Special Leave to Appeal (C) No.7758 of 2018, dated 02.04.2018, without reference to the order impugned in the O.A. It was observed that the appellant would enclose copies of the aforesaid judgments and also the judgment of the Full Bench of this Court rendered in ***B. Rama Krishna Yadav and others Vs. The Superintendent of Police and others***, reported in ***2016 (2) ALD 340***.

5. In terms of the order in W.P.No.3639 of 2014, a representation was submitted and the same was disposed of by memorandum dated 02.07.2020, holding that the trial court vide judgment in C.C.No.454 of 2007 had acquitted the petitioner extending benefit of doubt and it is not a case of clean acquittal and therefore, the candidature of the writ petitioner is rejected. Assailing the said order, W.P.No.25211 of 2020 came to be filed and by the order under challenge, the said writ petition was dismissed.

6. The learned single Judge on the basis of the materials on record had formulated the following point for consideration:

“Whether the petitioner suppressed the material information in Column No.16 of the application form and whether the offences allegedly committed by this petitioner in C.C.No.454 of 2007 are an involvement in moral turpitude. If not, whether acquittal of this petitioner is honourable acquittal. If so, whether rejection of the representation of this petitioner by the second respondent by impugned order is in accordance with law. If not, liable to be set aside and issue a direction to appoint this petitioner as Reserve Sub-Inspector?”

7. The learned single Judge held that as the petitioner had suppressed the material information in the application form, though disclosed his involvement and acquittal in the attestation form, it is sufficient to conclude that the petitioner intentionally suppressed a material fact and that if such disclosure was made at the time of scrutiny of his application, the competent authority would have taken a decision at that stage itself. However, because of suppression of material facts, the petitioner was allowed to participate in the examination and in further process of recruitment. In such circumstances, the petitioner is disentitled to claim any relief in the writ petition. It was also held that acquittal of the petitioner, having regard to the judgment pronounced, cannot be said to be an honourable acquittal as the acquittal was granted on benefit of doubt.

8. Mr. M. Naga Raghu, learned counsel for the appellant/writ petitioner, submits that though due to lack of knowledge, the petitioner

had not mentioned the criminal case filed against him in Column No.16 of the application form, he had subsequently mentioned about the aforesaid fact in the attestation form supplied to him after he was provisionally selected and therefore, Clause No.22 of the notification dated 06.06.2008, which indicates that suppression of material facts or withholding any factual information either in the application or in the attestation form (which would be supplied to the candidates who will be provisionally selected) will disqualify the candidate from being considered for appointment, would not be applicable to the petitioner. It is submitted that the petitioner was acquitted after a full-fledged trial as the prosecution failed to establish its case against the petitioner for the charges levelled against him and that the learned single Judge failed to consider this aspect of the matter in its correct perspective in the light of the judgments of the Hon'ble Supreme Court in ***The Dy. Inspector General of Police & Another Vs. S. Samuthiram***, reported in ***(2013) 1 SCC 598*** and ***Commissioner of Police Vs. Sandeep Kumar***, reported in ***(2011) 4 SCC 644***. Mr. M. Naga Raghu also relied upon the judgment in the case of ***State Bank of India & Others Vs. P. Soupramaniane***, reported in ***2019 Law Suit (SC) 1125***. It is submitted that the judgments relied upon by the learned single Judge for dismissal of the writ petition have no application in the facts and circumstances of this case.

9. Mr. N. Aswartha Narayana, learned Government Pleader for Services I, appearing for the respondents, while supporting the judgment under appeal, placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***State of Rajasthan and others Vs. Love Kush Meena***, reported in ***2021 SCC Online SC 252***.

10. We have considered the submissions of the learned counsel for the parties and have perused the materials on record.

11. When the petitioner had submitted his application in pursuance of the notification dated 06.06.2008, the above C.C. was pending disposal. The petitioner was acquitted in the above C.C. on 26.04.2009. The petitioner had attended for preliminary selection on 10.08.2009.

12. Rule 3(G) of the Andhra Pradesh (Stipendiary Cadet Trainee) Rules, 1999, as amended, reads as follows:

“(G). Disqualification for appointment: The candidates falling under the following categories shall be disqualified for appointment, under these rules.

- (i) Suppression of material facts (either in the application form or in the attestation form).
- (ii) If the candidate himself or through his relatives or friends or any other has canvassed or endeavoured to enlist extraneous support whether from official or non-official sources for his candidature.
- (iii) A person (a) who has entered into or contracted a marriage with a person having a spouse living, or (b) who, having a spouse living, has entered into or contracted a marriage with any other person. Provided that the State Government may, if satisfied that such marriage is permissible under the

personal law applicable to such person, exempt any person from the operation of this rule.

- (iv) A person who has been dismissed from the services of a State or Central Government or from the service of any Central or State Government undertaking or local body or other authority.
- (v) A person who has been convicted for any offence in any court of law.
- (vi) A person who is involved in an offence involving moral turpitude.”

13. Clause 22 of the notification, which was highlighted, reads as follows:

“Suppression of material facts or withholding any factual information either in the application or in the attestation form (which would be supplied to the candidates who will be provisionally selected) will disqualify the candidate from being considered for appointment. In the event of any information being found false or incorrect or ineligibility being detected at any time even after appointment, he/she will be discharged from service forthwith by the appointing authority without giving any notice.”

14. It is an admitted position that the petitioner had not disclosed about the criminal case pending against him in the application form. In

the attestation form, which was made available to the petitioner, on his being provisionally selected, against column 16 (f), which was printed as "Whether you were prosecuted by the police in a court of law? If so, indicate the present stage of this case: 1) under trial 2) convicted 3) compounded 4) acquitted", the petitioner had put '√' mark at "4) acquitted".

15. Mr. M. Naga Raghu submits that since the petitioner had made disclosure in the attestation form, the consequences for not providing such details in the application form will not flow as information could be given either in the application form or in the attestation form. Accordingly, he submits that the petitioner could not have been disqualified taking recourse to Clause 22 of the notification.

16. Clause 22 provides, in essence, that suppression of material facts or withholding any factual information either in the application or in the attestation form will disqualify the candidate from being considered for appointment. In other words, the candidates are required to disclose all the material facts both in the application form and the attestation form. Therefore, we are unable to accept the submission of Mr. Raghu that it would suffice if information relating to involvement in a criminal case is given either in the application form or in the attestation form. It is also relevant to note that in the event of any information being found false or incorrect or ineligibility being detected at any time even after appointment, such a candidate could be discharged from service forthwith by the appointing authority without giving any notice.

17. In ***Avtar Singh v. Union of India and Others*** (supra), the Hon'ble Supreme Court observed that the whole idea of verification of

character and antecedents is that the person suitable for the post in question is appointed. It is one of the important criteria which is necessary to be fulfilled before appointment is made. An incumbent should not have antecedents of such a nature which may adjudge him unsuitable for the post. In paragraph 35, it was observed as follows:

“35. Suppression of ‘material’ information presupposes that what is suppressed that ‘matters’ not every technical or trivial matter. The employer has to act on due consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.”

18. In ***H.Abdul Sajid*** (supra), in the light of the decision in ***Avtar Singh*** (supra), liberty was granted to the petitioner therein to make a representation.

19. In the case of ***Sandeep Kumar*** (supra), the applicant who had applied for the post of Head Constable had answered “No” against the column, which was printed as “whether he had ever been arrested, prosecuted, kept under detention or bound down/fined, convicted by a court of law for any offence, debarred/disqualified by any Public Service Commission from appearing at its examination/selection or debarred from any examination, rusticated by any university or any other education

authority/institution.” The same was apparently a false statement as he and some of his family members were involved in a criminal case being FIR No.362 for the offence under Sections 325/34 IPC. However, before responding to the notification issued in January, 1999 inviting applications for the post of Head Constables, the applicant was acquitted on 18.01.1998. Subsequently, in the attestation form, he had disclosed that he had been involved in a criminal case and had been acquitted. On such disclosure being made, his candidature was cancelled. Such cancellation being assailed before the Central Administrative Tribunal, the application was dismissed and on a writ petition being filed before the Delhi High Court, the same was allowed. Being aggrieved, the employer-Commissioner of Police approached the Hon’ble Supreme Court. The Hon’ble Supreme Court while upholding the order of the Delhi High Court, observed as follows:

“We respectfully agree with the Delhi High Court that the cancellation of his candidature was illegal, but we wish to give our own opinion in the matter. When the incident happened the respondent must have been about 20 years of age. At that age young people often commit indiscretions, and such indiscretions can often be condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Hence, our approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives.”

20. In ***T.S. Vasudavan Nair v. Vikram Sarabhai Space Centre***, reported in ***(1988) Supp. SCC 795***, the Hon'ble Supreme Court observed that the appellant should not have been denied the employment on the sole ground that he had not disclosed the fact that during emergency he had been convicted in a case registered under the Defence of India Rules for having shouted slogans on one occasion.

21. In ***Delhi Administration v. Sushil Kumar*** reported in ***(1996) 11 SCC 605***, appointment was denied to an incumbent who was duly selected for the post of Constable in Police Service subject to verification of character and antecedents, as it was found that he was involved in a criminal case under Sections 304, 324/34 and 324 IPC. It was held by the Hon'ble Supreme Court that mere acquittal in the criminal case was not enough once it was found that it was not desirable to appoint such a person as a constable in the disciplined force. It was further held that the view taken by the employer in the background of the case cannot be said to be unwarranted, though he was discharged or acquitted. Antecedents of the incumbents could not be said to be proper. The aforesaid decision does not deal with the effect of suppression but the case has turned on the background of the facts of the case in which the incumbent was involved.

22. In ***B.Ramakrishna Yadav*** (supra) the question that had fallen for consideration of the Full Bench of the High Court of Andhra Pradesh in a reference was as to whether suppression of information by the candidate, applying for an employment, regarding his involvement in a criminal case, would be a ground for either rejecting his candidature or cancelling his

selection or terminating the service, if he has already been selected as appointed? The Full Bench answered the reference as follows:

“13. Verification of character and antecedents is one of the important features in service jurisprudence so as to find out whether a selected candidate is suitable to the post. Having regard to the antecedents of a candidate, if appointing authority finds that it is not desirable to appoint such person, in particular to a disciplined force, it can deny employment or even terminate such person, if appointed, within the shortest possible time from the date of verification of character and antecedents. This has to be scrupulously followed in case of recruitment in police force, it being a disciplined force. As observed by the Supreme Court in Mehar Singh (supra), people repose great faith and confidence in the police force, and therefore, the selected candidate must be of confidence, impeccable character and integrity. A person having criminal antecedents is, undoubtedly, not fit in this category, more particularly when he has suppressed the information about his involvement in criminal case(s) irrespective of the fact whether the case was pending or he was acquitted.

14. It is common practice that in the application form, a specific information relating to involvement in a criminal case, conviction or detention, irrespective of acquittal, is sought for and if a candidate keeps relevant columns

blank or answer the columns in negative, when in fact he was involved in criminal case, that would undoubtedly amount to suppression of information relating to his involvement in criminal case. In a given case, if such a candidate was acquitted long back, for instance, more than 5 to 10 years before, and that too of a petty offence, it may be for the employer to decide whether to appoint him or to terminate his service having regard to his performance and other relevant factors. However, such a decision should be fair. In other words, such a decision should not be arbitrary and *mala fide*. As observed by the Supreme Court in Pawan Kumar (supra), if the conviction or involvement was in traffic, municipal and other petty offences under the Penal Code, 1860 committed at a young age, such conviction or involvement could, in a given case, be ignored by an employer. The candidate, however, is expected to disclose all such information leaving it open to the appointing authority to decide whether to appoint such person having regard to gravity of the offence allegedly committed and proximity of time having regard to the nature of job for which he is being considered or to be appointed. While considering such candidate, who in all fairness has disclosed such information, the employer should not act mechanically to deny employment or reject application of such a candidate at threshold. In any case, a candidate having suppressed the information and/or

giving false information in respect of his character and antecedents, cannot, as of right, seek an order of appointment contending that he has been acquitted of the case. If such a candidate is selected and appointed and if at the stage of verification of antecedents, any information is gathered or surfaced, which would amount to misrepresentation and fraud on the employer or suppression of information, it would not create equity in his favour or any estoppel against the employer while resorting to his termination. Such candidate cannot claim any right to continue in service and the employer, having regard to the nature of employment as well as other relevant factors, has a discretion to either reject his candidature or not to appoint such candidate or to terminate his services, if he was appointed, on the basis of the information received at that stage (i.e. verification of character and antecedents). In short, the candidate, who suppressed material information and/or given false information regarding his antecedents and character, cannot have any right of appointment or continuity in service. It is, however, always open to the employer/appointing authority to exercise its discretion in the facts and circumstances of each case keeping in view the principles laid down by the Supreme Court.

15. The judgment of this Court in A. Sagar (*supra*), in our opinion, does not state the correct position of law. Thus,

the question framed by us stands answered in terms of this judgment.”

23. The prosecution case in C.C.No.454 of 2007 on the file of the Additional Junior Civil Judge, Markapuram, arising out of Crime No.132 of 2007, in a nutshell, was that on 02.08.2007 at 9 a.m., the 3rd year Mathematics-III Paper examination had started and when the process of verification of hall tickets of the students was being undertaken, the petitioner started running away from the examination hall leaving the answer sheet behind. The petitioner was caught and on verification, it was found that the petitioner, impersonating himself as one Srikanth, was writing the examination for him.

24. The learned trial Court, by judgment and order dated 26.04.2009, observed that there is a reasonable doubt on the evidence of the prosecution and, therefore, the accused (the appellant and another) are entitled for benefit of doubt and, accordingly, acquitted them.

25. In the context of acquittal in a criminal case *qua* appointment in public service, an expression “honourable acquittal” has come to be acknowledged by virtue of judicial pronouncements.

26. The meaning of expression “honourable acquittal” came up for consideration in ***S. Samuthiram*** (supra), wherein the Hon’ble Supreme Court, at paragraphs 21 and 22, observed as follows:

“21. The meaning of the expression ‘honourable acquittal’ came up for consideration before this Court in *Management of Reserve Bank of India, New Delhi v. Bhopal Singh Panchal* (1994) 1 SCC 541. In that case, this Court

has considered the impact of Regulation 46(4) dealing with honourable acquittal by a criminal court on the disciplinary proceedings. In that context, this Court held that the mere acquittal does not entitle an employee to reinstatement in service, the acquittal, it was held, has to be honourable. The expressions 'honourable acquittal', 'acquitted of blame', 'fully exonerated' are unknown to the Code of Criminal Procedure or the Penal Code, which are coined by judicial pronouncements. It is difficult to define precisely what is meant by the expression 'honourably acquitted'. When the accused is acquitted after full consideration of prosecution evidence and that the prosecution had miserably failed to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted.

22. In *R.P. Kapoor v. Union of India*, AIR 1964 SC 787, it was held even in the case of acquittal, departmental proceedings may follow where the acquittal is other than honourable. In *State of Assam and another v. Raghava Rajgopalachari* reported in 1972 SLR 45, this Court quoted with approval the views expressed by Lord Williams, J. in (1934) 61 ILR Cal. 168 which is as follows:

"The expression "honourably acquitted" is one which is unknown to court of justice. Apparently it is a form of order used in courts martial and other extra judicial tribunals. We said in our judgment that we accepted the explanation given by the appellant believed it to be true and considered that it ought to have been accepted by the Government

authorities and by the magistrate. Further, we decided that the appellant had not misappropriated the monies referred to in the charge. It is thus clear that the effect of our judgment was that the appellant was acquitted as fully and completely as it was possible for him to be acquitted. Presumably, this is equivalent to what Government authorities term 'honourably acquitted'."

27. In ***State of Rajasthan*** (supra), at paragraphs 15 and 27, the Hon'ble Supreme Court observed as follows:

"15. It is pointed out that various nuances arising in this judgment has been considered even in the subsequent judgments. In Union territory, Chandigarh Administration v. Pradeep Kumar, a two Judge Bench of this Court dealt with the expression "honourable acquittal". It was opined that acquittal in a criminal case was not conclusive for suitability of the candidate concerned and it could not always be inferred from an acquittal or discharge that the person was falsely involved or has no criminal antecedents. Thus, unless it is an honourable acquittal, the candidate cannot claim the benefit of the case. No doubt, it was mentioned by relying on the earlier judgment of this Court in Inspector General of Police v. S. Samuthiram that while it was difficult to define precisely what is meant by the expression "honourable acquittal", an accused who is acquitted after full consideration of the prosecution evidence and prosecution has miserably failed to prove the

charges levelled against the accused, it can possibly be said that the accused was honourably acquitted. In this context, it has been specifically noticed by this Court that entry into the police service required a candidate to be of good character, integrity and clean antecedents. Finally, it was opined that the acquittal in a criminal case does not automatically entitle a candidate for appointment to the post, as a person having criminal antecedents will not fit in this category.

27. We may note here that the circular dated 28.03.2017 is undoubtedly very wide in its application. It seeks to give the benefit to candidates including those acquitted by the Court by giving benefit of doubt. However, such circular has to be read in the context of the judicial pronouncements and when this Court has repeatedly opined that giving benefit of doubt would not entitle candidate for appointment, despite the circular, the impugned decision of the competent authority dated 23.05.2017 cannot be said to suffer from infirmity as being in violation of the circular when it is in conformity with the law laid down by this Court.”

28. A perusal of the above judgments would go to show that while it is difficult to give a precise definition of the expression “honourable acquittal”, it can possibly be said that when the accused is acquitted after full consideration of prosecution evidence and the prosecution had

miserably failed to prove the charges, it can possibly be said that the accused was honourably acquitted.

29. Acquittal in a criminal case is not conclusive for suitability of a candidate. It cannot always be inferred from an acquittal or discharge that the person was falsely implicated or has no criminal antecedents. Unless it is a case of honourable acquittal, the candidate cannot claim the benefit of the case.

30. Having regard to the judgments of the Hon'ble Supreme Court elucidating on the expression "honourable acquittal", we are of the considered opinion that in the facts and circumstances of the case, when the petitioner was acquitted on benefit of doubt, it would not come within the category of "honourable acquittal", as rightly observed by the learned single Judge.

31. In the context of the order which came to be challenged in the writ petition by which provisional selection of the petitioner was cancelled taking recourse to Rule 3(G)(vi) of the Rules of 1999, dealing with offence involving moral turpitude, it will also be necessary to go into the question as to whether the petitioner was involved in an offence involving moral turpitude.

32. In ***Pawan Kumar v. State of Haryana and another*** reported in ***(1996) 4 SCC 17***, the Hon'ble Supreme Court observed that "moral turpitude" is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity.

33. In ***State Bank of India v. P. Soupramaniane***, at paragraphs 8 and 9, the Hon'ble Supreme Court observed as follows:

“8. There is no doubt that there is an obligation on the Management of the Bank to discontinue the services of an employee who has been convicted by a criminal court for an offence involving moral turpitude. Though every offence is a crime against the society, discontinuance from service according to the Banking Regulation Act can be only for committing an offence involving moral turpitude. Acts which disclose depravity and wickedness of character can be categorized as offences involving moral turpitude. Whether an offence involves moral turpitude or not depends upon the facts and the circumstances of the case. Ordinarily, the tests that can be applied for judging an offence involving moral turpitude are:

- a) Whether the act leading to a conviction was such as could shock the moral conscience of society in general;
- b) Whether the motive which led to the act was a base one, and
- c) Whether on account of the act having been committed the perpetrators could be considered to be of a depraved character or a person who was to be looked down upon by the society.

The other important factors that are to be kept in mind to conclude that an offence involves moral turpitude are :- the

person who commits the offence; the person against whom it is committed; the manner and circumstances in which it is alleged to have been committed; and the values of the society.

According to the National Incident – Based Reporting System (NIBRS), a crime data collection system used in the United States of America, each offence belongs to one of the three categories which are: crimes against persons, crimes against property, and crimes against society. Crimes against persons include murder, rape, and assault where the victims are always individuals. The object of crimes against property, for example, robbery and burglary is to obtain money, property, or some other benefits. Crimes against society for example gambling, prostitution, and drug violations, represent society's prohibition against engaging in certain types of activities. Conviction of any alien of a crime involving moral turpitude is a ground for deportation under the Immigration Law in the United States of America. To qualify as a crime involving moral turpitude for such purpose, it requires both reprehensible conduct and scienter, whether with specific intent, deliberateness, willfulness or recklessness.

9. There can be no manner of doubt about certain offences which can straightaway be termed as involving moral turpitude e.g. offences under the Prevention of Corruption Act, NDPS Act etc. The question that arises for our

consideration in this case is whether an offence involving bodily injury can be categorized as a crime involving moral turpitude. In this case, we are concerned with an assault. It is very difficult to state that every assault is not an offence involving moral turpitude. A simple assault is different from an aggravated assault. All cases of assault or simple hurt cannot be categorized as crimes involving moral turpitude. On the other hand, the use of a dangerous weapon which can cause the death of the victim may result in an offence involving moral turpitude. In the instant case, there was no motive for the Respondent to cause the death of the victims. The criminal courts below found that the injuries caused to the victims were simple in nature. On an overall consideration of the facts of this case, we are of the opinion that the crime committed by the Respondent does not involve moral turpitude. As the Respondent is not guilty of an offence involving moral turpitude, he is not liable to be discharged from service.”

34. A perusal of the aforesaid judgments goes to show that all offences do not come in the category of moral turpitude. It was observed that acts which disclose depravity and wickedness of character, motive which lead to the act is a base one, acts which can shock the moral conscience of society in general and upon committing which the society considers a person committing the offence to be of a depraved character, can be said to come within the meaning of moral turpitude.

35. The Hon'ble Supreme Court held that while a simple assault cannot be categorized as a crime involving moral turpitude, the use of a dangerous weapon which can cause the death of the victim may result in an offence involving moral turpitude.

36. In the instant case, the allegation against the petitioner, as noted earlier, is that he had impersonated himself as one Srikanth and was writing the Mathematics-III paper examination for him. Impersonating a person for writing an examination for someone else cannot be said to be an act done on the spur of the moment but with deliberate planning and it shows lack of character. It is another matter that the petitioner was acquitted on benefit of doubt.

37. Moral turpitude has to be understood to mean something which is contrary to honesty and morality. We have no hesitation to hold that the offence in which the petitioner was involved is an offence which comes within the purview of moral turpitude. A person aspiring for appointment in police force has to possess good character, integrity and good antecedents. It goes without saying that members of the police force have to be of good moral character in order to inspire confidence in the people.

38. In view of the above discussion, we are of the opinion that no interference is called for with the judgment under challenge and accordingly, the writ appeal is dismissed. No costs. All pending miscellaneous applications shall stand closed.

ARUP KUMAR GOSWAMI, CJ

NINALA JAYASURYA, J
Nn