



2025:DHC:11196-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 11.11.2025
Pronounced on: 12.12.2025

+ **W.P.(C) 16651/2025 & CM APPL. No.68332/2025**

COMMISSIONER OF POLICE AND ANRPetitioners

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Umar Hashmi,
Mr. Harshit Chitransh and
Ms. Iqra Sheikh, Advs.

versus

VIDURRespondent

Through: Mr. Samarth Luthra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 08.07.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 426/2019, titled *Vidur v. Commissioner of Police and Anr.*, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein with the following directions:

"29. Respondents were required to consider all relevant facts. We find they have failed to do so. Hence in view of the above discussion and in the light of the decision of the Hon'ble High Court of Delhi, the impugned orders are quashed and set aside. Respondents are directed to grant appointment to the applicant as Constable (Exe.) w.e.f. the date when others



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who had participated in the examination and succeeded were granted appointment. The applicant shall not be entitled to back wages but shall be entitled to all other benefits, including notional fixation of pay from the date when others, who had participated with the applicant and had been appointed as Constable (Exe.), joined the service. The aforesaid action be completed within three months of the date of receipt of the certified copy of this order.”

BRIEF FACTS OF THE CASE:

2. In a nutshell, the background of the case is that the Delhi Police issued an advertisement/notification dated 10.09.2016 through the Staff Selection Commission, inviting applications for recruitment to the post of Constable (Executive), Male and Female, in the Delhi Police.
3. The respondent, belonging to the Other Backward Classes category, applied for the post of Constable (Executive) (Male) in the Delhi Police and successfully cleared the selection process, which comprised the physical and written examinations.
4. Meanwhile, an FIR bearing No. 348/2016 under Sections 148/149/323/506/452 of the Indian Penal Code, 1860 (IPC), was registered at P.S. NIT, Faridabad (Haryana) on 13.10.2016 on the complaint of one Shri Neeraj Kumar against the respondent. The complainant alleged that he and his wife were assaulted and threatened by certain persons, including Dharambir and the respondent, following a roadside altercation.
5. During the investigation, the respondent was arrested on



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17.10.2016 along with the co-accused and was subsequently released on bail by the concerned Court. Thereafter, the charge-sheet was filed against the respondent and the co-accused, and charges were framed by the learned Judicial Magistrate First Class, Faridabad. The respondent and all co-accused pleaded not guilty and claimed trial. The criminal case thereafter proceeded before the Court of the learned Judicial Magistrate First Class, Faridabad. After due consideration of the evidence on record, the learned Judicial Magistrate First Class, Faridabad, *vide* Judgment dated 22.03.2018, acquitted the respondent and all co-accused, as the complainant and the prosecution witnesses did not support the case and turned hostile, resulting in failure of the prosecution to prove the charges.

6. On 28.02.2018, while submitting his Attestation Form, the respondent disclosed his involvement in the said FIR and provided full particulars of the case, thereby making no concealment of facts.

7. Upon verification of antecedents, a Show Cause Notice bearing No. 38675/Rectt.(Const.)/R-IV/NPL dated 03.07.2018 was issued to the respondent by the Deputy Commissioner of Police (Recruitment Cell), calling upon him to explain why his candidature should not be cancelled on account of his involvement in the said criminal case.

8. The respondent submitted a detailed reply dated 18.07.2018 with the petitioners, wherein he stated that he had already been acquitted in the said FIR, that the case was false and trivial in nature, and that he had made full disclosure in his attestation form.

9. The matter was placed before the Screening Committee



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constituted under Standing Order No. 398/2018, which, after considering the facts, observed that the respondent had been involved in a 'heinous offence' and that his acquittal was not honourable but had resulted from the witnesses turning hostile. The Committee accordingly held the respondent unsuitable for appointment in the Delhi Police.

10. Based on the recommendations of the Screening Committee, the candidature of the respondent was cancelled *vide* Order No. XII/32/2018/53022/Rectt.Cell (Const.)/ R-IV/NPL dated 21.12.2018, thereby confirming the Show Cause Notice.

11. Aggrieved by the said cancellation, the respondent filed the above O.A. before the learned Tribunal, challenging the cancellation order and seeks appointment to the post of Constable (Executive).

12. The learned Tribunal, *vide* the Impugned Order, allowed the aforesaid O.A. filed by the respondent herein, with the above-quoted directions.

13. Aggrieved by the Impugned Order, the petitioners have filed the present writ petition.

SUBMISSIONS ON BEHALF OF LEARNED COUNSEL FOR THE PETITIONERS:

14. The learned counsel for the petitioners submits that although the respondent had disclosed his involvement in FIR No. 348/2016 in the attestation form, such disclosure by itself does not entitle him to appointment. In terms of Standing Order No. 398/2018, every case



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involving criminal antecedents is mandatorily required to be placed before the Screening Committee for assessment of suitability. The petitioners duly followed the said procedure. The Screening Committee, after considering the Judgment of acquittal dated 22.03.2018 and the nature of the allegations, found the respondent unsuitable for induction into a disciplined force and thereby cancelled his candidature *vide* letter dated 21.12.2018.

15. He further submits that the acquittal of the respondent was not a 'clean' or 'Honourable' acquittal. The Trial Court had categorically recorded that the complainant and material witnesses did not support the prosecution's case and had turned hostile, leaving 'not an iota of evidence' to sustain the charges. The learned counsel argues that such acquittals, which are a consequence of witness hostility, do not constitute exoneration on merits and fall squarely within the category recognised by the Supreme Court in *Avtar Singh v. Union of India & Ors.*, (2016) 8 SCC 471; *Commissioner of Police, New Delhi & Anr. v. Mehar Singh*, (2013) 7 SCC 685; *State of M.P. & Ors. v. Parvez Khan* (2015) 2 SCC 591; and *UT Chandigarh Administration & Ors. v. Pradeep Kumar & Anr.*, (2018) 1 SCC 797, wherein the employer was held empowered to decline appointment despite an acquittal.

16. He further submits that recruitment to the police force demands a higher standard of rectitude than ordinary public employment. The allegations in FIR No. 348/2016 were of a grave and violent nature, involving offences under Sections 148/144/323/506/452 of the IPC. The Screening Committee, comprising senior officers, recorded



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detailed reasons to the effect that a candidate involved in such a case, where the acquittal resulted solely from witnesses resiling, cannot be considered fit for induction into a law-enforcing agency.

17. He further submits that the learned Tribunal erred in placing reliance on the Judgment of this Court in ***Manish Saini v. GNCTD & Anr.***, 2024:DHC:8452-DB, which is factually distinguishable and, in any event, stands stayed by the Supreme Court *vide* Order dated 05.05.2025 in SLP (C) Diary No. 17549/2025, titled ***Commissioner of Police & Anr. v. Manish Saini***. In ***Manish Saini*** (supra), the acquittal was held to be clean, with the Trial Court having disbelieved the prosecution's case in its entirety. In contrast, in the present case, the Trial Court made no observation exonerating the accused; rather, the case collapsed due to witnesses not supporting the prosecution.

18. He further relies on the Judgment of the Supreme Court in ***Mehar Singh*** (supra), wherein it was held as under:

"19. A careful perusal of the policy leads us to conclude that the Screening Committee would be entitled to keep persons involved in grave cases of moral turpitude out of the police force even if they are acquitted or discharged if it feels that the acquittal or discharge is on technical grounds or not honourable. The Screening Committee will be within its rights to cancel the candidature of a candidate if it finds that the acquittal is based on some serious flaw in the conduct of the prosecution case or is the result of material witnesses turning hostile. It is only experienced officers of the Screening Committee who will be able to judge whether the acquitted or discharged candidate is likely to revert to similar activities in future with more strength and vigour, if appointed, to the post in a police



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force. The Screening Committee will have to consider the nature and extent of such person's involvement in the crime and his propensity of becoming a cause for worsening the law-and-order situation rather than maintaining it. In our opinion, this policy framed by the Delhi Police does not merit any interference from this Court as its object appears to be to ensure that only persons with impeccable character enter the police force. "

SUBMISSIONS ON BEHALF OF LEARNED COUNSEL FOR THE RESPONDENT:

19. On the other hand, the learned counsel for the respondent submits that the primary allegation of the petitioners that the acquittal was not honourable, is factually incorrect and contrary to the findings of the Trial Court. The Trial Court categorically recorded that there was not an iota of evidence against the respondent after the complainant and witnesses did not support the prosecution. This, he submits, constitutes a clean and complete exoneration.

20. He further submits that the Delhi Police cannot sit in appeal over the criminal court's Judgment and impose its own interpretation of the acquittal. He further submits that, unlike cases involving compromise or benefit of doubt, the acquittal herein was based on a total absence of evidence. The complainant did not support the prosecution, and no material was brought on record to implicate the respondent. Thus, the allegation that the witnesses turned hostile for extraneous reasons is a mere presumption, unsupported by any material.

21. He further submits that the petitioner's reliance on the decision



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of the Supreme Court in *Mehar Singh* (supra) is misplaced. In that case, the acquittal was premised on compromise, which created doubt regarding the involvement of the accused. In contrast, the respondent's case stands on an entirely different footing: there was no compromise, no settlement, and no material whatsoever suggesting the respondent's involvement in the alleged incident.

22. The learned counsel places reliance on the Judgments of the Supreme Court in *Avtar Singh* (supra) and *Joginder Singh v. Union Territory of Chandigarh & Ors.*, (2015) 2 SCC 377, as well as the Judgments of this Court in *Sandeep Singh v. Govt. of NCTD & Anr.*, 2019:DHC:6823-DB, and *Manish Saini* (supra).

23. He further submits that the Screening Committee did not undertake any objective or independent assessment of the respondent's suitability. The Committee proceeded mechanically on the basis of the FIR and treated the acquittal as suspect without any supporting material. The subsequent Show Cause Notice and the final order merely reiterated the Committee's conclusions without addressing any of the contentions raised by the respondent in his detailed reply.

24. He further submits that the authority deciding on the Show Cause Notice was of a lower rank than two members of the Screening Committee. In such a hierarchical structure, the likelihood of a meaningful and independent application of mind is virtually non-existent. Consequently, the decision-making process stood predetermined, rendering the opportunity of hearing an empty



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formality.

ANALYSIS AND FINDINGS:

25. We have considered the submissions advanced by the learned counsels for the parties and perused the material on record.

26. The central issue in the present case is whether the Delhi Police was justified in cancelling the respondent's candidature for the post of Constable (Executive) despite his clean acquittal in FIR No. 348/2016, wherein the Trial Court found 'not an iota of evidence' against him. Specifically, the dispute concerns whether the Screening Committee, constituted under Standing Order No. 398/2018, could lawfully treat the acquittal as not honourable merely because the witnesses turned hostile, and consequently declare the respondent unsuitable for appointment, particularly when he had truthfully disclosed the case in his attestation form, and when the learned Tribunal held that the Committee's assessment was mechanical, unsupported by evidence, and contrary to the established legal principles governing the recruitment of candidates with past criminal cases.

27. Though the petitioners contend that the acquittal was not 'honourable,' such an inference must be founded upon concrete material indicating doubt regarding the respondent's involvement. A mere hostility of witnesses, without any supporting circumstances suggestive of guilt, cannot be treated as adverse material to deny public employment. The employer cannot, under the guise of subjective satisfaction, sit in appeal over the criminal court's findings or draw presumptive conclusions unsupported by the record.



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28. In *Avtar Singh* (supra), the Supreme Court has laid down the following guidelines concerning cases of appointment where the candidate has been involved in a criminal case:

"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."

29. While it is not disputed that Standing Order No. 398/2018 requires cases involving criminal antecedents to be placed before the Screening Committee, mere procedural compliance with the Standing Order does not validate a decision that lacks an independent and reasoned application of mind. The legal issue is not whether the Committee was convened, but whether its conclusion is supported by concrete material and a coherent appreciation of the Trial Court's judgment. In the present case, the Committee's observations rest primarily on the assertion of unsuitability on the sole ground that the witnesses turned hostile; they do not identify any independent or



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objective facts, such as prior incidents, disciplinary history, or corroborative material, that would justify disregarding the Trial Court's finding that there was 'not an iota of evidence' against the respondent. For these reasons, mere compliance with the Standing Order does not cure the legal infirmity in the decision to cancel the respondent's candidature.

30. In the respondent's case before the Trial Court, titled ***State v. Hakam Singh & Ors.***, (CHI-3437-2016), it was held as under:

"10. No doubt, statement of a hostile witness should not be thrown over board and so much part of the statement of hostile witness which supports prosecution version cannot be treated as washed off the record. It remains admissible. In recent judgment in case titled as "Amrik Singh Versus State of Haryana" 2009(3) RCR (Criminal) Page 308 (P&H), Hon'ble High Court of Punjab & Haryana has held that evidence of a hostile witness also can be relied upon to the extent to which it supports the prosecution version. Evidence of such a witness cannot be treated as washed off the record. It remains admissible. The statements of PW1 and PW-2 have been carefully examined from that angle also but found the same totally worthless.

11. In view of the above mentioned evidence on the record and the fact that the complainant and other witnesses have not supported the prosecution story and as the complainant turned hostile, there is not an iota of evidence against the accused therefore, the court has no other option but to acquit the accused. The accused facing trial are hereby acquitted of the charge imposed on them. Their bail and surety bonds stand discharged. File after due compliance be sent to record room."

31. In light of the above jurisprudence, it becomes evident that the



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approach of the Screening Committee in the present case suffers from arbitrariness. The Committee neither undertook a proper appreciation of the Trial Court's Judgment nor assessed the respondent's suitability based on any independent or objective material. Instead, it mechanically treated the acquittal as tainted solely on the ground that the witnesses had turned hostile.

32. The Screening Committee was required to assess the nature of the evidence, the character of the allegations, the reasoning adopted by the Trial Court, and the antecedents of the candidate. Instead, the decision was founded upon a sweeping assumption that any acquittal following the hostility of witnesses is not honourable. Such a conclusion is inconsistent with the principles laid down by the Supreme Court in *Avtar Singh* (supra) and contrary to the factual matrix of the present case, where the criminal court found no evidence whatsoever to sustain the prosecution.

33. In *Deputy Inspector General of Police and Anr. v. S. Samuthiram*, (2013) 1 SCC 598, the Supreme Court discussed the meaning of the expression "*honourable acquittal*" and held that where the accused is acquitted after full consideration of the prosecution's evidence and wherein the prosecution has miserably failed to prove the charges levelled against the accused, it can positively be said that the accused was honourably acquitted. We may quote from the Judgment as under:

*"24. The meaning of the expression
"honourable acquittal" came up for
consideration before this Court
in RBI v. Bhopal Singh Panchal [(1994) 1*



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SCC 541 : 1994 SCC (L&S) 594 : (1994) 26 ATC 619]. 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.”

34. The above principle was followed by the Supreme Court in ***Joginder Singh v. Union Territory of Chandigarh and Ors.***, (2015) 2 SCC 377; and by Division Bench of this Court in ***Manoj v. Union of India & Ors.***, 2016:DHC:4593-DB, and ***Rajesh v. Directorate General Sashastra Seema Bal & Anr.***, 2024:DHC:8366-DB.

35. The decision affecting public employment must be based on relevant material and must bear a rational nexus with the objective sought to be achieved. Cancellation of candidature despite a clean acquittal, in the absence of any adverse material, fails the test of reasonableness under Articles 14 and 16 of the Constitution of India.

36. We are of the considered view that the entire process culminating in the cancellation of the respondent’s candidature was arbitrary, mechanical, and legally flawed. The decision failed to meet



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the constitutional standards of objective assessment, proportionality, and judicious exercise of discretion.

CONCLUSION:

37. In view of the above, the petitioners are directed to grant an appointment to the respondent as Constable (Executive) in the Delhi Police with effect from the date on which other candidates from the same recruitment process were appointed. The respondent shall not be entitled to back wages for the period during which he did not serve; however, he shall be entitled to all other consequential service benefits, including the notional fixation of pay, seniority, and increments, from the date on which the other candidates of the same batch joined the service as Constable (Executive).

38. We, therefore, find no infirmity or illegality in the Impugned Order passed by the learned Tribunal.

39. Accordingly, the Impugned Order passed by the learned Tribunal is upheld, and the petition, along with the pending application is dismissed.

40. The petitioners shall complete the aforesaid exercise within a period of eight weeks from the date of this Order.

41. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

DECEMBER 12, 2025/k