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

Reserved on: 19.12.2025
Pronounced on: 16.01.2026

\+ **W.P.(C) 19316/2025 & CM APPL. 80636/2025**

THE COMMISSIONER OF POLICE AND ORS ..Petitioners

Through: Ms.Arti Bansal, CGSC for UOI with Ms.Shruti Goel, Advs.

versus

MANOJ KUMAR ....Respondent

Through: Mr.S.N Kaul, 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. The present petition has been filed by the petitioners, challenging the Order dated 05.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 327/2016, titled ***Manoj Kumar v. The Commissioner of Police & Ors.,*** whereby the learned Tribunal allowed the said O.A. filed by the respondent herein.

FACTS OF THE PRESENT CASE

2. To give a brief background of the facts giving rise to the present petition, a recruitment notification dated 30.05.2012 was issued by the Delhi Police, inviting applications to fill 752 vacancies for the post of Constable (Driver), comprising 299 posts in the General (UR) Category, 181 in OBC, 192 in SC, and 80 in ST Categories, with due

reservation for eligible SC/ST/OBC and Ex-Servicemen candidates, in accordance with the applicable rules. The said advertisement was published in leading newspapers as well as in the Employment News dated 02-08.06.2012. The details of the recruitment process were also uploaded on the official website of the Delhi Police.

3. Pursuant to the aforesaid advertisement, the respondent, a resident of Village Rajpur, Post Rajpur, District Sonepat (Haryana), applied for the said post under the OBC Category. He successfully qualified in the Physical Endurance and Measurement Test, the Written Examination, and the Trade Test, and was thereafter provisionally selected under Roll No. 809812, subject to verification of his character and antecedents by the District Magistrate, Sonepat (Haryana).

4. During the course of verification, it came to the notice of the authorities that an FIR No. 113/2005 dated 18.08.2005, under Sections 323/325/34 of the IPC had been registered against the respondent at Police Station Murthal, Haryana. The said criminal case was decided by a Competent Court *vide* judgment dated 04.12.2006, whereby the respondent was acquitted.

5. Upon scrutiny of the Application Form dated 20.06.2012 and the Attestation Form dated 29.09.2013 submitted by the respondent, it was observed that the respondent had failed to disclose his involvement in the aforesaid criminal case in the relevant columns of the said forms, despite a clear warning contained therein that furnishing false information or concealment of material facts would render a candidate liable to disqualification.

6. In view of the above, a Show Cause Notice *vide* memo no. XII/40/2014/3568/Rectt.Cell(R-IV)/NPL dated 26.03.2014 was issued to the respondent by the Recruitment Cell, calling upon him to explain why his candidature for the post of Constable (Driver) should not be cancelled on account of the alleged concealment.

7. In response thereto, the respondent submitted a reply dated 15.04.2014, stating that he had been falsely implicated in the criminal case and that, as per the judgment dated 04.12.2006, no charge had been framed against him.

8. The explanation furnished by the respondent was considered by the competent authority, however, the same was found to be unsatisfactory. It was noted that in response to Column No. 15 (a) to (e) of the application form, which required disclosure of any criminal proceedings, the respondent had marked "No", and had left Column No. 16, which required full particulars of any criminal or complaint cases, blank. Further, in the Attestation Form dated 29.09.2013, the respondent had categorically stated in Column No. 11(b) that "*Nahi mere khilaf koi FIR darj nahi hui hai*". In view of the aforesaid declarations, the competent authority concluded that the respondent had suppressed material information relating to his criminal antecedents. Consequently, the respondent's candidature for the post of Constable (Driver) was cancelled *vide* Order dated 25.06.2014, which was duly communicated to him.

9. Aggrieved by the decision of the petitioners *vide* Order dated 25.06.2014, the respondent filed O.A. No. 2669/2014 before the learned Tribunal, challenging the Order contained in the

Memorandum dated 25.06.2014.

10. The learned Tribunal, *vide* Order dated 21.05.2015, quashed the Impugned Order dated 25.06.2014 and directed the petitioners to reconsider the matter in the light of the judgment of the Supreme Court in ***Devendra Kumar v. State of Uttaranchal and Ors.*** (Civil Appeal No. 1156/2006).

11. Pursuant to the aforesaid directions and upon reconsideration, the office of the Additional Deputy Commissioner of Police, Recruitment Cell, NPL, Delhi, *vide* Memorandum dated 30.10.2015, passed an order cancelling the candidature of the respondent for the concerned post with immediate effect.

12. The respondent thereafter preferred O.A. No. 327/2016 before the learned Tribunal, seeking the following reliefs:

> *"(i) Declare in the fact and circumstances that it (Cannot be held against the applicant that in his Application and Attestation Form dated as aforesaid disclosed the facts about his involvement in Criminal Case malafidely. In fact the FIR that was lodged against him on 18.8.2005 which culminated into Criminal case was decided vide judgement dated 4.4.2006 where in applicant was acquitted of the charge levelled against him. Also declare that the Judgement in Civil Appeal No. 2537 of 1998 decided on 1.5.1998 reported in (1999) (1 SCC 246) in the case of Dhawal Singh is squarely covered, in addition to the judgement of year 2014 reported in 212 (2014) Delhi Law Times 5 (DB) dated 26.5.2014 in the case of Nidhi Kaushik versus Union of India, decided by Hon'ble High Court of Delhi (DB) wherein the judgement of Dhawal Singh fully relied.*
> *(ii) That the respondent concerned has not rightly decided the case of the applicant in accordance with the directions of the Hon'ble*

Tribunal vide Para 4 of the order dated 21.5.2015 passed in O.A. No. 2669 of 2014 and therefore the decision taken by the respondent vide memo dated 30.10.2015 is bad in Law and liable to be set aside with all the consequential benefits.
(iii) Declare that the applicant is entitled for appointment as Constable (Driver) in Delhi Police based on his having qualified in the Written and Trade Test as prescribed for the said post
(iv) Allow the present OA with exemplary cost
(v) Pass any order or further orders as this Hon'ble Tribunal may deem fit in the fact and circumstances of the case.
(vi) Interim order if any prayed for."

13. The learned Tribunal, *vide* the Impugned Order dated 05.04.2025, held as under:

"7. The OA is of the year 2016. Respondents by their actions during pendency of the OA have chosen to link and swim with Mahender Solanki (supra). The matter was adjourned sine die awaiting the final decision in Mahender Solanki and both parties had accepted the same. Now the respondents are estopped from taking a different postion. On perusal of the judgment of the Hon'ble High Court in the case of Mahender Solanki Vs. The Commissioner of Police & Anr. in W.P. (C) 2219/2023 upheld by the Hon'ble Apex Court, we find no reason to keep the OA pending.
8. In paras 19 & 20 of the judgment in the case of Mahender Solanki Vs. The Commissioner of Police & Anr. in W.P. (C) 2219/2023, the Hon'ble High Court has held as under:
"19. Reverting back to the facts of the present case, admittedly, on the date of filling up of the application form, the petitioner was not involved in any criminal case. Unfortunately, he stood implicated in FIR No.103/2020 dated October 11, 2020 under Section

294/323/506/34 IPC registered at PS: Umraoganj, owing to a family dispute, in which he was acquitted on November 06, 2020 within a short period of about four weeks. The relevant details of involvement in criminal case were concealed while filling the attestation form, which has been considered to be a disqualification rendering the petitioner unfit for employment. It needs to be kept in perspective that the petitioner was not facing any criminal case at the time offilling up of the initial application form. The FIR was registered under Sections 294/323/506/34 IPC only prior to filling up of attestation form, in which he also stood acquitted prior to filling up of the attestation form. The incident on the face of record related to a trivial dispute within the family over raising a wall and stood settled with reference to offences under Section 323/506/34 IPC. Further, the allegations with reference to Section 294 IPC were not supported by the witnesses on presenting of charge-sheet. The false implication in such minor incidents naming all the family members cannot be ruled out considering the tendency in rural background. In the facts and circumstances, the respondents should have considered and examined whether petitioner is suitable and fit for appointment in view of involvement in said case, in which he stood acquitted even prior to filling up the attestation form. The inquiry as to the nature of involvement was required to be fairly conducted and the petitioner should not have been automatically held unsuitable for appointment merely on the ground of concealment. The competent authority appears to have failed to consider and give due weight to the trivial nature of offence and was merely swept by the factum of non-disclosure or concealment of involvement in criminal case by the petitioner. The factual position in the present case is distinguishable from Satish Chandra Yadav (supra) since the appellant in said case had concealed the fact of

involvement in criminal case under Section 147/323/324/504/506 IPC which was pending at the time of filling the verification form. Also, the second case referred in Satish Chandra Yadav, arising out of SLP (Civil) 5170 of 2021 filed by Pushpendra Kumar Yadav, was dismissed on similar grounds as a case under Section 147/149/323/325/504/506/307 IPC was pending against him as wrong information had been given in the verification form. On the other hand, the factual position in present case is squarely covered by Pawan Kumar v. Union of India (supra). 20. For the foregoing reasons, the order passed by the Tribunal is set aside along with order passed by the respondents terminating the services of the petitioner. Respondents are accordingly directed to reinstate the petitioner in service with all notional benefits including pay, seniority and other consequential benefits etc. Considering the facts and circumstances, no order as to costs. Pending applications, if any, also stand disposed of."

9. We find that the case of the respondent is squarely covered by the judgment of the Hon'ble High Court in Mahender Solanki (supra) and we do not find any reason to take a divergent view.

10. Given the above, the OA is disposed in terms of the directions given by the Hon'ble High Court in Mahender Solanki (supra). The impugned order dated 30.10.2015 is quashed and set aside. The respondents are directed to reinstate the petitioner in service with all notional benefits including pay, seniority and other consequential benefits etc. All associated MAs also stand disposed of.

No order as to costs."

14. The petitioners, being aggrieved by the Impugned Order dated 05.04.2025 passed by the learned Tribunal, have filed the present writ petition challenging the above-stated Impugned Order with the

following prayers:

> *"Quash and set aside the impugned judgment dated 05.04.2025 passed by the Hon'ble CAT, Principal Bench, New Delhi in O.A. No. 327/2016 (Manoj Kumar v. Commissioner of Police & Anr.);*
> *Pass any other or further orders as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the present case."*

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

15. The learned counsel for the petitioners submits that the Impugned Order passed by the learned Tribunal is illegal, arbitrary, and discriminatory, having been rendered without proper appreciation of the relevant facts and the settled principles of law, and is therefore liable to be set aside.

16. The learned counsel further submits that the learned Tribunal erred in placing reliance on the judgment of the High Court of Delhi in ***Mahendra Solanki v. State, 2023 SCC OnLine Del 1423***, as the said decision is factually distinguishable and inapplicable to the present case. It is contended that in ***Mahendra Solanki*** (supra), the candidate had disclosed the pendency of an FIR, which was subsequently found to be trivial, and the Court found no element of deliberate suppression. In contrast, in the present case, the respondent categorically denied the existence of any FIR and furnished false information on more than one occasion, despite being fully aware of his acquittal. It is submitted that whereas the issue in ***Mahendra Solanki*** (supra) pertained to non-consideration of a disclosure already made, the present case involves

deliberate falsehood and suppression of material facts.

17. The learned counsel submits that the learned Tribunal failed to appreciate that the factual matrix of the present case is materially different from that in ***Mahendra Solanki*** (supra), and that the Impugned Order has been passed mechanically by applying the said judgment without examining the distinct facts of the present case. It is contended that the judgment in ***Mahendra Solanki*** (supra) could not have been applied as a binding precedent in the present matter.

18. The learned counsel further submits that the learned Tribunal failed to consider that, in terms of the applicable policy governing concealment of criminal antecedents, the candidature of the respondent in the O.A. was cancelled on account of concealment of his involvement in a criminal case in the relevant columns of both, the Application Form and the Attestation Form, despite clear and specific warnings printed on the said forms. It is submitted that the respondent, being a graduate, was fully capable of understanding the contents and implications of the columns in the said forms, yet deliberately chose to furnish incorrect information.

19. It is further submitted that the learned Tribunal failed to appreciate that the respondent filled up the application form on 20.06.2012, wherein Column No. 15 (a) to (e) specifically required disclosure of any criminal proceedings. However, the respondent merely marked ‘No’, and left Column No. 16, which required full particulars of any criminal/complaint case, blank.

20. The learned counsel submits that the learned Tribunal also failed to consider that the respondent subsequently filled up the

Attestation Form on 29.09.2013 and, in column No. 11(b), expressly stated, *"Nahi mere khilaf koi FIR darj nahi hui hai"*, thereby deliberately concealing his prior criminal involvement with a view to securing appointment in the Delhi Police.

21. It is contended that the impugned order is perverse, arbitrary, and contrary to the law laid down by the Supreme Court as well as this Court, inasmuch as the learned Tribunal ignored the settled distinction between cases involving disclosure followed by acquittal and cases involving concealment despite acquittal. The learned counsel submits that the present case squarely falls in the latter category, where suppression itself constitutes misconduct sufficient to deny public employment.

22. The learned counsel further submits that the learned Tribunal failed to appreciate the settled legal position that suppression of material facts or false declaration regarding criminal antecedents, disentitles a candidate from public service. Reliance is placed on the judgment of the Supreme Court in ***Avtar Singh v. Union of India,*** (2016) 8 SCC 471, wherein it has been held that deliberate suppression of criminal antecedents is a valid ground for cancellation of candidature. Reliance is also placed on ***Kendriya Vidyalaya Sangathan v. Ram Ratan Yadav***, (2003) 3 SCC 437.

23. The learned counsel submits that the learned Tribunal further failed to appreciate that acquittal in a criminal case does not obliterate the obligation to disclose prior prosecution. It is contended that the respondent's acquittal dated 04.12.2006 does not absolve him of the duty to disclose his earlier involvement, as the requirement of

disclosure is independent of guilt or innocence and hinges upon the truthfulness of antecedents furnished to the employer. Reliance is placed on ***Rajasthan Rajya Vidyut Prasaran Nigam Ltd. v. Anil Kanwariya,*** (2021) 10 SCC 136, and ***Daya Shankar Yadav v. Union of India,*** (2010) 14 SCC 103.

24. The learned counsel further submits that the Supreme Court in ***Delhi Admn. v. Sushil Kumar***, (1996) 11 SCC 605, has held that verification of character and antecedents is a crucial criterion for assessing suitability for appointment to a disciplined force, and that even where a candidate is otherwise found fit and provisionally selected, the appointing authority is justified in denying appointment on account of adverse antecedents.

25. It is lastly submitted that the learned Tribunal failed to take into account the ratio laid down by the Supreme Court in ***Devendra Kumar v. State of Uttaranchal & Ors.***, Civil Appeal No. 1156 of 2006, wherein it has been held that suppression of material information sought by the employer regarding criminal involvement constitutes a valid ground for cancellation of candidature.

26. He submits that, therefore, the present petition deserves to be allowed and the Impugned Order passed by the learned Tribunal deserves to be set aside.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT

27. The learned counsel for the respondent submits that the respondent had no intention whatsoever to conceal any material fact and that the non-disclosure of the FIR in the attestation form was

purely inadvertent and unintentional.

28. It is contended that the FIR registered against the respondent in the year 2005, culminated in his honourable acquittal in 2006, much prior to the initiation of the recruitment process, and therefore the said criminal case could not constitute a valid ground for cancellation of his candidature.

29. The learned counsel further submits that the respondent had voluntarily disclosed the details of the FIR and the criminal case, by submitting an application dated 14.02.2014 to the Recruitment Cell, even prior to the issuance of the Show-Cause Notice, thereby negating any allegation of deliberate suppression or misrepresentation.

30. It is urged that the respondent had duly replied to the Show-Cause Notice dated 26.03.2014, explaining the circumstances in which the omission occurred and asserting that the same was neither intentional nor actuated by any *mala fide* intent.

31. The learned counsel submits that, despite the earlier order of the learned Tribunal quashing the cancellation Order dated 25.06.2014 and directing the petitioners to reconsider the matter in light of the law laid down by the Supreme Court in ***Devendra Kumar*** (supra), the petitioners rejected the respondent's representation in a mechanical manner, without due application of mind.

32. The learned counsel contends that the issue involved in the present Writ Petition is squarely covered by the judgment of the High Court of Delhi in ***Mahendra Solanki*** (supra), and that the Special Leave Petition filed against the said judgment has since been dismissed by the Supreme Court on 15.04.2024, thereby giving

finality to the legal position. It is further submitted that once the petitioners themselves sought adjournment of the O.A. *sine die* on the ground that the issue was pending consideration before the Supreme Court, it is not open to them now to contend that the matter is not covered by the said judgment.

33. The learned counsel submits that, in view of the aforesaid submissions, the cancellation of the respondent's candidature is illegal, arbitrary, and unsustainable in law, and that the respondent is entitled to all consequential benefits.

34. The learned counsel for the respondent submits that, in view of the aforesaid facts and the settled legal position, the Impugned Order passed by the learned Tribunal does not suffer from any infirmity, either on facts or in law, and therefore, the writ petition deserves to be dismissed with costs in favour of the respondent.

ANALYSIS AND FINDINGS

35. We have considered the submissions advanced by the learned counsels appearing for the respective parties.

36. The issue that arises for consideration in the present writ petition is whether the cancellation of the respondent's candidature for the post of Constable (Driver), solely on the ground of non-disclosure of a past criminal case which had culminated in acquittal long prior to the initiation of the recruitment process, is arbitrary, disproportionate, and unsustainable in law.

37. At the outset, it is pertinent to note that the FIR in question pertained to offences under Sections 323/325/34 of the IPC, arising out of a private dispute. The respondent was acquitted as early as

04.12. 2006.The relevant extract of the judgment dated 04.12.2006 is reproduced hereinbelow:

> *"10. As is evident from the above evidence, the complainant and other material witnesses have not supported the case of the prosecution and have turned hostile. These witnesses were cross-examined by learned APP for the State but in vain. Since there is no incriminating evidence against the accused, hence, recording of the statements of the accused under Section 313 Cr.P.C. is dispensed with.*
> *Hence, accused are acquitted of the charges levelled against them. Their bail bonds and surety bonds stand discharged. File be consigned to the record room."*

38. It is also undisputed that, at the time of filling up the application form as well as the attestation form, no criminal case was pending against the respondent, and that the acquittal had already attained finality.

39. A perusal of the record clearly reveals that, while filling up the application form, the respondent marked *"No"* in the column relating to criminal antecedents, and left the column requiring details of criminal cases blank. Further, in the attestation form, the respondent made a categorical declaration stating, *"Nahi mere khilaf koi FIR darj nahi hui hai"*. While the fact of non-disclosure is not in dispute, in the facts and circumstances of the present case, such non-disclosure cannot be treated as material suppression so as to justify denial of public employment.

40. While the judgments relied upon by the petitioners, including ***Avtar Singh*** (supra), do recognise the authority of the employer to cancel a candidature in cases of deliberate suppression,

the same judgments also emphasise that each case must be decided on its own facts, and further clarify that trivial or stale criminal cases culminating in acquittal cannot be treated on the same footing as cases involving serious offences or ongoing criminal proceedings.

41. The Supreme Court, in ***Commissioner of Police & Ors. v. Sandeep Kumar***, (2011) 4 SCC 644, while dealing with similar facts, held as under:

> "8. *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.*
>
> *xxxx*
>
> *12. It is true that in the application form the respondent did not mention that he was involved in a criminal case under Sections 325/34 IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified. At any event, it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter."*

42. In the present case, it is significant to note that the criminal proceedings had concluded nearly six years prior to the respondent applying for the post in question. At the time of the alleged incident, the respondent was of a young age, and the incident was an isolated

one. The long lapse of time between the incident and the recruitment process substantially dilutes the relevance of the said criminal case for the purpose of assessing the respondent's present suitability.

43. It is also apposite to refer to the judgment of this Court in ***Krishan Kumar v. Director General, CISF & Ors.***, 2024:DHC:8775-DB, wherein it was held as under**:**

> *"In the present case, as noted above, the criminal case against the petitioner had concluded nearly five years prior to his application for appointment with the respondents. The case arose out of a family dispute and was amicably settled among the family members at the very initial stage. At the time of the incident, the petitioner was only 19 years of age. He has an entire life ahead of him and cannot be made to suffer lifelong consequences for a minor and isolated incident, assuming his involvement at all.*
>
> *In these peculiar facts and circumstances, we are of the considered view that the respondents failed to apply their mind to the relevant considerations while passing the impugned order. The said order is, therefore, arbitrary and violative of the petitioner's right under Article 14 of the Constitution of India. The penalty of termination imposed upon the petitioner is wholly disproportionate to the alleged misconduct of non-disclosure of a criminal case which had already been closed at least five years prior to his application.*
>
> *Although one course available to this Court would be to remand the matter to the competent authority for reconsideration of the punishment, we do not deem it appropriate to adopt that course in the present case, particularly since the petitioner has remained out of employment for almost twelve years.*
>
> *Accordingly, the impugned order dated 31.05.2012 is set aside. The respondents are directed to reinstate the petitioner in service*

> *with all consequential benefits within a period of six weeks from the date of this judgment. However, the petitioner shall not be entitled to any back wages.*
> *With the above directions, the petition stands disposed of."*

44. Although the learned counsel for the petitioners has placed reliance on the judgment of the Supreme Court in ***Avtar Singh*** (supra), a holistic reading of the said decision does not advance the petitioners' case. On the contrary, the principles crystallised therein reinforce the respondent's case. The Apex Court has unequivocally held that there is no inflexible or mechanical rule mandating the cancellation of candidature in every case of non-disclosure of criminal antecedents. It has further held that each case must be examined on its own facts, keeping in view the nature of the offence, the age of the candidate at the time of the incident, the time elapsed since the occurrence, the outcome of the criminal proceedings, and the suitability of the candidate for public employment. The relevant extracts are quoted hereinbelow:

> *"30. The employer is given "discretion" to terminate or otherwise to condone the omission. Even otherwise, once employer has the power to take a decision when at the time of filling verification form declarant has already been convicted/acquitted, in such a case, it becomes obvious that all the facts and attending circumstances, including impact of suppression or false information are taken into consideration while adjudging suitability of an incumbent for services in question. In case the employer comes to the conclusion that suppression is immaterial and even if facts would have been disclosed it would not have*

adversely affected fitness of an incumbent, for reasons to be recorded, it has power to condone the lapse. However, while doing so employer has to act prudently on due consideration of nature of post and duties to be rendered. For higher officials/higher posts, standard has to be very high and even slightest false information or suppression may by itself render a person unsuitable for the post. However, same standard cannot be applied to each and every post. In concluded criminal cases, it has to be seen what has been suppressed is material fact and would have rendered an incumbent unfit for appointment. An employer would be justified in not appointing or if appointed, to terminate services of such incumbent on due consideration of various aspects. Even if disclosure has been made truthfully, the employer has the right to consider fitness and while doing so effect of conviction and background facts of case, nature of offence, etc. have to be considered. Even if acquittal has been made, employer may consider nature of offence, whether acquittal is honourable or giving benefit of doubt on technical reasons and decline to appoint a person who is unfit or of dubious character. In case employer comes to conclusion that conviction or ground of acquittal in criminal case would not affect the fitness for employment, incumbent may be appointed or continued in service.

31. Coming to the question whether an employee on probation can be discharged/refused appointment though he has been acquitted of the charge(s), if his case was not pending when form was filled, in such matters, employer is bound to consider grounds of acquittal and various other aspects, overall conduct of employee including the accusations which have been levelled. If on verification, the antecedents are otherwise also not found good, and in number of cases incumbent is involved then notwithstanding acquittals in a case/cases, it would be open to

the employer to form opinion as to fitness on the basis of material on record. In case offence is petty in nature and committed at young age, such as stealing a bread, shouting of slogans or is such which does not involve moral turpitude, cheating, misappropriation, etc. or otherwise not a serious or heinous offence and accused has been acquitted in such a case when verification form is filled, employer may ignore lapse of suppression or submitting false information in appropriate cases on due consideration of various aspects.

32. No doubt about it that once verification form requires certain information to be furnished, declarant is duty-bound to furnish it correctly and any suppression of material facts or submitting false information, may by itself lead to termination of his services or cancellation of candidature in an appropriate case. However, in a criminal case incumbent has not been acquitted and case is pending trial, employer may well be justified in not appointing such an incumbent or in terminating the services as conviction ultimately may render him unsuitable for job and employer is not supposed to wait till outcome of criminal case. In such a case non-disclosure or submitting false information would assume significance and that by itself may be ground for employer to cancel candidature or to terminate services.

33. The fraud and misrepresentation vitiates a transaction and in case employment has been obtained on the basis of forged documents, as observed in M. Bhaskaran case[9], it has also been observed in the reference order that if an appointment was procured fraudulently, the incumbent may be terminated without holding any inquiry, however, we add a rider that in case employee is confirmed, holding a civil post and has protection of Article 311(2), due inquiry has to be held before terminating the services. The case of obtaining appointment on the basis of forged documents has the effect on very eligibility of incumbent for the job in

question, however, verification of antecedents is different aspect as to his fitness otherwise for the post in question. The fraudulently obtained appointment orders are voidable at the option of employer, however, question has to be determined in the light of the discussion made in this order on impact of suppression or submission of false information.

34. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, but ultimate action should be based upon objective criteria on due consideration of all relevant aspects.

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.

36. What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post/nature of duties/services and power has to be exercised on due consideration of various aspects.

37. The "McCarthyism" is antithesis to constitutional goal, chance of reformation has to be afforded to young offenders in suitable cases, interplay of reformative theory cannot be ruled out in toto nor can be generally applied but is one of the factors to be taken

into consideration while exercising the power for cancelling candidature or discharging an employee from service.

38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:

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 recourses 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.*
> *39. We answer the reference accordingly. Let the matters be placed before an appropriate Bench for consideration on merits."*

45. The argument advanced by the petitioners that the present case is distinguishable from ***Mahendra Solanki*** (supra) on facts does not impress this Court. The underlying principle laid down therein is that the employer must adopt a balanced and proportionate approach and cannot proceed solely on the basis of technical suppression, particularly where the candidate has been acquitted and has subsequently made a voluntary disclosure. Furthermore, the judgments relied upon by the petitioners also do not come to their aid and cannot be pressed into service in the facts of the present case.

46. Keeping in view the observations made in the aforesaid judgments and upon examining the present case from all angles, including the nature of the offences involved, the acquittal of the respondent and the nature of the post for which the respondent applied, this Court is of the considered view that the present petition deserves to be dismissed.

CONCLUSION

47. We, therefore, find no infirmity in the Impugned Order dated 05.04.2025 passed by the learned Tribunal. The same is accordingly upheld.

48. The petitioners are directed to comply with the directions issued by the learned Tribunal within a period of six weeks from the date of this judgment.

49. The present petition, along with the pending application, is disposed of in the above terms.

50. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

JANUARY 16, 2026/*RM*