



2025:DHC:8205-DB



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

+ W.P.(C) 367/2025

SANDEEP K L

.....Petitioner

Through: Mr. Mandeep Baisala and Mr.
Kavesh Bidhuri, Advs.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Abhishek Saket, SPCG,
Mr. Manish Madhukar, Ms. Reya Paul and
Mr. Abhigyan, Advs.
Mr. Rajat Rajoria Singh, GP for UOI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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15.09.2025

C. HARI SHANKAR, J.

1. First Information Report¹ dated 17 February 2017 was registered against the petitioner and five other accused, at PS Kalamassery, District Ernakulam, alleging commission of offences under Sections 143, 147, 448, 341, 323, 324, 427 and 149 of the Indian Penal Code, 1860². It was alleged, in the FIR, that the accused, including the petitioner, had formed an unlawful assembly and had assaulted two persons, in which process one of the said persons, on whose complaint the FIR was registered, lost his mobile phone and wallet. A trial followed, at the conclusion of which, by judgement

¹ "FIR"



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dated 13 November 2019, the learned Judicial Magistrate of First Class³, Kalamassery, acquitted all the accused, including the petitioner, of the offences alleged against them. Para 6 to 10 of the judgement of the learned JMFC read thus:

“6. Prosecution evidence consists of oral testimony of P.W.1 to P.W.4 and documentary evidence of Ext.P1, F.I.S. P.W.1 lodged Ext.P1 F.I.S based on which, Crime No. 364/17 was registered at Kalamassery Police Station. P.W.1, P.W.2, P.W.3 and P.W.4 are the injured in this case. They deposed that in the month of February, 2017 the incident occurred inside their Hostel at Polytechnic, Kalamassery. According to them, a few persons trespassed into their room and assaulted them and thereby, they sustained injuries. On sustaining injuries, they went to Medical College, Kalamassery where, they admitted and underwent treatment.

7. P.W.1 deposed that he had given Ext.P1 F.I.S to the Police. He also deposed that he lost a mobile phone worth, Rs.3,500/- (Rupees Three thousand and five hundred only). However, he further deposed that he did not know the persons who trespassed into their room and caused assault to him. P.W.2 to P.W.4 also denied the prosecution case. They specifically deposed that they did not know the persons who trespassed into their room and caused assault.

8. Upon perusing the evidence of P.W.1 to P.W.4, it is evident that they turned hostile to the prosecution case. They have no case that it was the accused who assaulted them as alleged by the prosecution. In the absence of evidence to prove the allegations against the accused, they cannot be held liable for any offence as alleged by the prosecution. Therefore, it is found that the prosecution failed to prove the case against the accused. Hence, Point No.1 to 8 are found against the prosecution.

Point No.9

9. In view of finding on Point No.1 to 8 as above, the accused can only be acquitted of the offences punishable under section 143, 147, 448, 451, 341, 323, 324 and 427 r/w 149 of the I.P.C.

Point No.10

² “IPC” hereinafter

³ “the learned JMFC” hereinafter



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10. In the result, the accused are not found guilty of offences punishable under section 143, 147, 448, 451, 341, 323, 324 and 427 r/w 149 of the I.P.C and they are acquitted under section 248(1) of the Cr.P.C. They are set at liberty and their bail bond stand canceled.”

Thus, the learned JMFC found the case to be one of no evidence, even though it was because the Prosecution Witnesses⁴ had turned hostile.

2. Five years after the above incident, which formed subject matter of the FIR registered against the petitioner and other accused, and three years after they stood acquitted therein, a Notice was issued by the Central Industrial Security Force⁵, inviting applications for recruitment to the post of Constable/GD for the year 2022, through a selection to be held by the Staff Selection Commission. There is no dispute that the petitioner was qualified and eligible for the post of Constable/GD, in terms of the said Notice. He, therefore, applied in response to the Notice, following which he participated in the selection process. On 22 August 2023, the petitioner was issued a communication by the CISF, informing him that he had been provisionally selected for appointment as Constable/GD.

3. The petitioner was asked to report for training at the Regional Training Centre, Behror, on 15 October 2023. On reaching there, the petitioner was required to disclose as to whether there were any pending criminal cases against him. The petitioner truthfully disclosed the fact of registration of FIR 0364/2017 dated 17 February 2017 at PS Kalamassery, as well as the details of the case. The petitioner also

⁴ “PWs” hereinafter



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pointed out that, after a complete trial, the learned JMFC had acquitted the petitioner of all charges against him.

4. Despite having come clean about the earlier criminal case having been registered against him, no decision was being taken by the CISF on the candidature of the petitioner and others similarly circumstanced, which compelled them to approach this Court by way of WP (C) 14063/2024⁶. By order dated 7 October 2024, this Court disposed of the writ petition with a direction to the Screening Committee of the CISF to take a decision regarding the petitioners within 8 weeks.

5. Albeit belatedly, and after the petitioner was constrained to move this Court for contempt, the CISF proceeded to issue the following letter dated 14 December 2024, to the petitioner:

“14.12.2024

To,

Roll No, 9213003459
Name- Sandeep K.L. S/O Shri, Lohithakshan
Koshnakattuchira panngad, PO- Ernakulam
Distt- Ernakulam
State- Kerala, Pin Code-682506.

**Subject:- DECISION OF STANDING
SCREENING COMMITTEE FOR
EXAMINATION OF CASES OF
CANDIDATES SELECTED FOR
APPOINTMENT IN VARIOUS RANKS
IN CISF WHO WRE INVOLVED IN
CRIMINAL CASES IN THE PAST:
REG.**

In accordance with the direction received from the FHQrs,

⁵ “CISF” hereinafter

⁶ **Methrole Sudhakar v UOI**



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New Delhi Vide letter No (3045) dated 11/12/2024 regarding above mentioned subject.

02. It is intimated that as per the decision of the standing screening committee for examination of cases of candidates selected for appointment in various ranks in CISF who were involved in criminal cases in the past, found you "Unsuitable for employment in CISF".

03. This is for kind information please.

Commandant
CISF MPRTC (Behror)"

6. Aggrieved by the cancellation of his candidature, the petitioner has approached this Court by means of the present writ petition, praying that the decision communicated to the petitioner by the letter dated 14 December 2024, cancelling his candidature for the post of Const./GD, be quashed and set aside, and that the Respondent be directed to appoint the petitioner as Constable/GD in the CISF.

7. Pleadings in the writ petition have been completed. We have heard Mr. Mandeep Baisala for the petitioner and Mr. Abhishek Saket, learned SPC for the Respondent-UIO.

8. Mr. Baisala relies on the judgement of a Division Bench of this Court in *Rajesh v Directorate General Sahastra Seema Bal*⁷, whereas Mr. Saket cites *UIO v Methu Meda*⁸.

9. A similar dispute had come up before us in *Manish Saini v*

⁷ 2024 SCC OnLine Del 7608

⁸ (2022) 1 SCC 1



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*GNCTD*⁹, though that case dealt with recruitment to a civil post, and arose out of a judgement of the Central Administrative Tribunal. The petitioner Manish Saini¹⁰, in that case, was accused of having attempted to rob a pedestrian at knife point, and an FIR was registered against him for having committed offences under Sections 398 and 401 of the IPC read with Sections 25, 54 and 59 of the Arms Act, 1959. Consequent on the trial which followed, Manish was acquitted by the learned Additional Sessions Judge¹¹, on the ground that the statements of the PWs were not consistent, no independent witness had been joined and that it was unbelievable that Manish and his fellow accused, who were alleged to have been armed, did not put up resistance when intercepted by the Police officials. The learned ASJ concluded by holding that “the prosecution has miserably failed to establish its case against the accused beyond reasonable doubt” and that, therefore, the accused, including Manish, were entitled to be acquitted. Five years thereafter, Manish applied for recruitment to the post of Sub-Inspector¹² in the Delhi Police, via the Delhi Police Examination 2017. He was provisionally selected. He had disclosed, at the time of applying for the post, the fact that he had been arrayed as an accused in the FIR and that he had been acquitted by the learned ASJ. Solely on the ground of his involvement in the criminal case, his candidature for the post of SI was cancelled. The Screening Committee observed that, as Manish had been involved in a serious offence of attempted robbery and was in possession of spring actuated knives, he was unsuitable for recruitment to a disciplined force such as

⁹ 315 (2024) DLT 707 (DB)

¹⁰ “Manish” hereinafter

¹¹ “ASJ” hereinafter

¹² “SI” hereinafter



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the Police. Aggrieved thereby, Manish approached the CAT by way of an OA, which was dismissed by judgement dated 10 June 2022, relying, inter alia, on *Methu Meda*, which was cited before us by Mr. Saket. Manish, thereafter, approached this Court under Article 226 of the Constitution of India.

10. This Court noticed that appointment to the Delhi Police was governed by Standing Order¹³ 398/2018 dated 18 October 2018, which clearly noted that a candidate who had been involved in a criminal case could be disqualified from appointment even if he had disclosed his involvement. We also noted that the position, in law, regarding the controversy, was well settled. We took into consideration the judgements of the Supreme Court in *Joginder Singh v State*¹⁴, *Pramod Singh Kirar v State of MP*¹⁵, *Methu Meda, State of Rajasthan v Love Kush Meena*¹⁶, *State of MP v Bunty*¹⁷, and *State of MP v Bhupendra Yadav*¹⁸. *Methu Meda* itself notes the following principles, laid down by the learned 3-Judge Bench of the Supreme Court in *Avtar Singh v UOI*¹⁹, in para 16 of the report, thus:

“16. The law with regard to the effect and consequence of the acquittal, concealment of criminal case on appointments, etc. has been settled in *Avtar Singh*, wherein a three-Judge Bench of this Court decided, as thus:

“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:

¹³ "SO" hereinafter

¹⁴ (2015) 2 SCC 377

¹⁵ (2023) 1 SCC 423

¹⁶ (2021) 8 SCC 774

¹⁷ (2020) 17 SCC 654

¹⁸ 2023 SCC Online SC 181

¹⁹ (2016) 8 SCC 471



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.

(Emphasis supplied)

11. Following these principles, this Court allowed the writ petition filed by Manish Saini.

12. When we apply these principles to the present case, we find that the offence of which the petitioner was accused, and was ultimately acquitted, was merely participating in an unlawful assembly and



belabouring two persons. While we certainly do not intend to underplay the allegations against the petitioner, the fact of the matter remains that no evidence, establishing the involvement of the petitioner in the alleged act, was forthcoming, and the petitioner was ultimately acquitted. In this context, we may also refer, profitably, to para 14 of *Methu Meda*, which holds that the core considerations, while examining the suitability of a candidate who was involved in a criminal case and was acquitted, for appointment to a disciplined force, would be “the nature of offence, extent of his involvement, propensity of such person to indulge in similar activities in future”. These factors are required to be examined by the Screening Committee before taking a decision on the suitability, or otherwise, of the candidate.

13. It is clear, to us, that the Screening Committee, at least in the impugned decision, does not appear to have reflected on these considerations. The decision proceeds on the premise that any, and every, candidate who was ever involved in a criminal case, would be *ipso facto* disentitled to appointment.

14. *Methu Meda*, which is the main plank of Mr. Saket’s opposition to the writ petition, clearly does not lay down any such absolute principle.

15. Holistically viewing the facts in the light of the law, we are of the opinion that, in view of fact that

- (i) the petitioner was indicted in a relatively less serious offence, which is not established as involving moral turpitude,



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- (ii) the petitioner has no criminal antecedents except for the said incident,
- (iii) the petitioner was acquitted of the said charges on 13 November 2019, almost five years prior to his joining in the services of the respondent,
- (iv) the learned JMFC noted that there was no legally admissible evidence against the petitioner, even if it was because of the witnesses turning hostile,
- (v) the petitioner honestly declared the fact of the past criminal case at the time when he filled the application,
- (vi) the impugned order letter 14 December 2024 is completely unreasoned, and merely states that the petitioner was “unsuitable for employment in CISF”, clubbing him with all other candidates who had criminal cases in the past,
- (vii) the factors which are relevant to be taken into consideration in such cases, as delineated by the Supreme Court in *Methu Meda*, i.e., the nature of offence, extent of involvement of the petitioner, propensity of the petitioner to indulge in similar activities in future, have clearly not been taken into consideration by the Screening Committee, before rejecting the petitioner’s candidature, and
- (viii) of these factors, given the fact this was the sole incident in which the petitioner was involved and there is no allegation of the petitioner having indulged in any such activity for five years between the date of his acquittal and the date of his joining services with the respondent, there is no reason to believe that the petitioner had the propensity to be involved in any such activities in future,



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we are of the considered opinion that the impugned order dated 14 December 2024 cannot sustain in law or in facts.

16. The decision to reject the petitioner's candidature is accordingly quashed and set aside.

17. The petitioner's candidature, therefore, stands restored. The process of his appointment to the post of Constable/GD would commence from the point at which his candidature was cancelled.

18. The writ petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 15, 2025/ng