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

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Date of Decision : 10.03.2026

+ **W.P.(C) 18276/2025**

KISLAY THAKUR

.....Petitioner

Through: Md. Azam Ansari and Mr. Afjal
Ansari, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. N. Balraj, SPC, Mr. Deepansh
Sharma, GP, Ms. Meghna Rao, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 14519/2026 (early hearing)

1. For the reasons stated in the application, the same is allowed.
2. The application is disposed of. The writ petition is taken up for hearing.

W.P.(C) 18276/2025, CM APPL. 14518/2026

3. This petition has been filed with the following prayers:-

“(A) Issue a writ of certiorari by quashing and setting aside the respondents’ order dated 09.10.2025 being Annexure P-1 withdrawing the offer of appointment of the petitioner with urgent directions to the respondents to appoint the petitioner forthwith in service with all consequential benefits including the Seniority, promotion and back wages etc.

(B) Pass a writ of mandamus directing the respondents to keep one post vacant for the petitioner during the pendency of this writ petition and in case, all posts are already filled up, then be further pleased to direct respondents to Either create one additional or



supernumerary post for the petitioner Or to accommodate the petitioner out of whatever various miscellaneous quotas available with the respondents.”

4. In effect, the petitioner is challenging the order dated 09.10.2025 whereby the offer of appointment of the petitioner dated 20.12.2024 was withdrawn with immediate effect.
5. The facts, which are required to be noticed, are that the petitioner had applied for the post of Constable (GD) in Central Armed Police Force. He qualified all stages of selection process and was declared fit. The petitioner was directed to report to CISF, RTC, Arakkonam for induction and basic training.
6. On the petitioner reporting to the aforesaid place, the standard verification process revealed through background check that, a criminal case was registered against him at Police Station Kamtual, District Darbhanga, Bihar being FIR No. 134/2024 dated 22.05.2024 for offences under Section 341/323/325/307/504/506/34 of the Indian Penal Code, 1860 (IPC). It may be stated here that the charges included voluntary grievous hurt (Section 325 IPC) and attempt to murder (Section 307 IPC). The said FIR resulted in a judgment dated 25.09.2025 of the Court of Sessions, Darbhanga acquitting the accused including the petitioner.
7. The case of the respondents is that the acquittal was not based on merits but on hostile testimony of witnesses. Reliance has been placed by the respondents on the key prosecution witness, who during his cross-examination stated that he did not witness the incident personally and have settled the matter amicably.
8. It is the case of the respondents that the Investigating Officer ('IO')



and the medical witnesses were not examined. The respondents have made reference to the fact that the Court had concluded that the prosecution had failed to prove the case beyond the doubt. The conclusion in the impugned order is in paragraphs 6 to 9, which we reproduce as under:-

“06. As per Para 2(V) of MHA Guidelines dated 01.02.2012, candidates against whom a charge sheet has been filed for serious offences or offences involving moral turpitude and who have been acquitted on the grounds of compromise, benefit of doubt, or hostile a shall generally be considered unsuitable for appointment in the Central Armed Police Forces (CAPFs), Further, as per MHA Office Memorandum dated 18.07.2019, issued in compliance with the Hon’ble Supreme Court judgment in Avtar Singh vs Union of India, the appointing authority is required to assess the nature of acquittal and the gravity of charges at the time of decision-making.

07. In view of the facts and policy provisions cited above, the Committee concluded that Shri Kislay Thakur’s acquittal cannot be treated as clean or honourable and that his involvement in a serious criminal case, irrespective of the compromise outcome, renders him unsuitable for employment in CISF.

08. Based on the recommendation of the 19th SSC (40th sitting) communicated vide CISF FHQ Recruitment Directorate letter No. E-32017(1)/19th(37th)SSC/Reectt.-1/2025/2462 dated 26.09.2025, and CISF Training Sector HQrs letter No. E-37013/CISF/TS/Criminal Cases/2025-2889 dated 26.09.2025, you have been found unsuitable for employment in CISF.

09. Accordingly, the offer of appointment issued vide CISF Unit FUGTPP Unchahar letter No. E-32030/FGUTPPP(U)Rectt./CT/GD/OOA/2024-207 dated 20.12.2024 is hereby withdrawn with immediate effect. No correspondence or request for



reconsideration shall be entertained in this regard.”

9. Mr. Mohammad Azam Ansari, learned counsel for the petitioner submits that the petitioner having been acquitted on merits and not on compromise, the offer of appointment could not have been withdrawn by the respondents. He has heavily relied upon the judgment of the criminal court, which reads as under:-

“8. Now, I would like to discuss the evidence of prosecution witness.

PW-1 Abha Devi has stated in her evidence that occurrence took place on 19—05-2024 at 5.00 AM. At that time she was going to prepare tea. On hulla she came outside of her house and saw that some altercation took place in between Ashok Kumar Thakur and Hemant Kumar Thakur, Rajnish Thakur, Kishlay Thakur, Lalita Devi, Bhabya Kumari. At that time Lokesh Kumar Thakur and Ashok Kumar Thakur fallen on the ground. She further deposed that Lokesh Kumar Thakur sustained injury on his leg and elbow and bone of neck of Ashok Kumar Thakur was broken. She further deposed that today Hemant Kumar Thakur and Kishlay Kumar Thakur are present in the court and she also claims to identify other accused person, who are not present in the Court. She further deposed that her statement has not been recorded by the Darogaji. This witness has been declared hostile by the prosecution. In her cross examination she deposed that Hemant Kumar Thakur is her Dewar.

PW-2 Ashok Kumar Thakur has stated in his evidence that nformant of this case namely Lokesh Kumar Thakur is his son. The occurrence took place on 19-05-2024 at about 5.00 AM. He was at his Darwaza. On hulla he went at the place of occurrence. He saw that accused Rajnish Kumar Thakur, Hemant Kumar Thakur, Kishlay Kumar Thakur and Bhawya



Kumari assaulted his son. When she went there and _ tried to saved him. They also assaulted him, He was treated in the hospital. He identifies the accused persons. He further deposed that accused Kishlay Kumar Thakur and Hemant Kumar Thakur are present in the Court and he also claims to identify other accused person, who is not present in the Court.

In his cross-examination he deposed that he fallen on the ground due to scuffle. He has not seen the occurrence from his own eye. He further deposed that Hemant Kumar Thakur is his brother. He further deposed that the case is compromised in between the parties with his own sweet will. He does not want to contest this case further.

PW-3 Lokesh Kumar Thakur has stated in his examination-in-chief that he is informant of this case. The occurrence took place on 19- 05-2024 at about 5.00 AM. At that time he was at his house. In the morning he woke up and saw that accused Hemant Kumar Thakur, Kishlay Kumar Thakur, Rajnish Kumar Thakur, Lalita Devi and Bhawya Kumari assaulted his father. When he went to save his father then they also assaulted him and he sustained injury. He was treated in the DMCH. He further deposed that Darogaji came there and recorded his farad beyan. He further deposed that his beyan was recorded by Darogaji on his instigation. He put his signature on the farad beyan, which is marked as Ext.P-1. He further deposed that on the said farad beyan Rajesh Kumar also put his signature, which he identifies and the same is marked as Ext.P.1/1. He identifies all the accused persons. He further deposed "a that today accused Hemant Kumar Thakur and Kishlay Kumar Thakur are present in the Court.

In his cross-examination he deposed that he came there where occurrence was took place. He further deposed that he has not seen who dashed him. He further deposed that he has compromised the case with



his own sweet will. He does not want to contest this case further,

9. After perusal of evidence of prosecution it appears that the informant PW.-3 Lokesh Kumar Thakur, himself has supported the prosecution case to the some extent but in cross-examination, he has completely demolished the case of the prosecution. He deposed that he has not seen that who dashed him, He further deposed that he went there when occurrence was going on. He further deposed that he compromised the case with his own sweet will. He does not want to contest this case further. P.W.-2 Ashok Kumar Thakur, who is also said to be injured of this case. He also deposed that he has not seen the occurrence from his own eye. He also compromised the case with his own sweet will. He further deposed that he does not want to contest this case further. P.W-1 Abha Devi has not supported the prosecution and she has been declared hostile by the prosecution. Doctor & I.O. has not been examined by the prosecution. Considering the above facts and circumstances of the case, it appears that prosecution has totally failed in proving his case and as such accused persons are liable to be acquitted.

In view of the aforesaid facts, circumstances and discussions and after hearing the argument, this court comes to the considered conclusion that the prosecution failed in establishing the guilt of accused persons namely Hemant Kumar Thakur, Lalita Devi, Bhabya Kumari, Kishlay Kumar Thakur and Rajnish Kuamr Thakur under sections 307/34, 341/34, 323/34, 325/34, 504/34 and 506/34 of IPC. The accused persons named above are acquitted from the charge u/s 307/34, 341/34, 323/34, 325/34, 504/34 and 506/34 of the IPC. The accused persons are on bail and therefore the accused persons and their bailors are directed to be released of the obligation of their respective bail bonds so submitted by them before this court.”



10. Having heard the learned counsel for the parties and perused the record, it is clear that the acquittal by the Sessions Judge was also by noting the fact that, Ashok Kumar Thakur/PW-2 has compromised the case He has also stated that he do not want to contest the case further. What is also important is PW-1, had not supported the case of the prosecution and was declared hostile by the Prosecution.

11. That apart the Doctor and the IO have not been examined by the Prosecution. It is also clear, the petitioner and others have been acquitted by giving the benefit of doubt and also in view of compromise. It cannot be said that the respondents are not justified by taking into consideration the judgment of the Sessions Court to form an opinion to withdraw the offer of appointment.

12. Though, Mr Ansari has relied upon the case of ***Avtar Singh v. Union of India and Others, (2016) 8 SCC 471***, the said judgment does not help the case of the petitioner, inasmuch as, the Supreme Court has in paragraph no. 38.4.3, held that:-

“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.”

13. It is not a case of clean acquittal, rather it is due to prosecution failing to prove its case, and the witnesses not appearing in the evidence. This we say so because an honourable acquittal may be the one where the Court comes to a definitive conclusion at the end of the trial upon a full-fledged



appreciation of evidence that the accused has not committed an offence for which he was charged, which is in a sharp contrast from the finding that witnesses turning hostile, compromised or non-availability of credible evidence against the accused. Such an acquittal is an acquittal based on technical grounds.

14. Such an acquittal or discharge will be subject to the examination of the employer. The domain of considering the fitness and suitability of a candidate belongs to the employer.

15. Therefore, we are of the view, that, in the facts, the respondents are justified in withdrawing the offer of appointment. We do not find any merit in the petition. The same is dismissed.

16. The earlier date fixed, i.e., 30.07.2026 before the learned Registrar stands cancelled.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 10, 2026/sr