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

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*Date of Decision : 19.01.2026*

+ W.P.(C) 4995/2022

**KAILASH MANDAL**

.....Petitioner

Through: Mr. P. Sureshan, Adv.

versus

**DIRECTOR GENERAL CENTRAL INDUSTRIAL  
SECURITY FORCE & ORS.**

.....Respondents

Through: Mr. Farman Ali, SPC

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**V. KAMESWAR RAO, J. (ORAL)**

1. The present petition lays a challenge to the final order No.1639 dated 08.03.2020 passed by the Senior Commandant, CISF Unit, Kistwar; Appellate Order No.4867 dated 23.06.2020 passed by the DIG, CISF Northern Region-2, Jammu and the Review Order No. 3254 dated 28.4.2021 passed by the Inspector General, CISF Northern Sector, Head Quarters, New Delhi whereby the petitioner had been punished with a major penalty of removal from service with immediate effect and the remedy of appeal and review were answered against the petitioner.

2. The petition has been filed with following prayers:-

*“a) To quash and set aside the final order final order No. 1639 dated 8.03.2020 passed by the Sr. Commandant, CISF*



*Unit, Kistwar, appellate order No.4867 , dated 23.06.2020 passed by the DIG, CISF Northern Region-2, Jammu and the revisional order No. 3254 dated 28.4.2021 passed by the Inspector General , CISF Northern Sector , Head Quarter, New Delhi whereby the petitioner had been punished with a major penalty of "Removal From Service with immediate effect"*

*b) Pass an order by exonerating the petitioner from all charges issued to him vide memorandum of charge dated 21.5.2019.*

*c) Direct the respondents to re-instate the petitioner with all consequential benefits including back wages, increments, seniority etc.*

*d) Direct the respondents to pay cost of this litigation to the petitioner."*

3. The brief facts of the case as culled out from the petition are that the petitioner joined the Central Industrial Security Force (CISF) as Constable/GD and completed his initial training at RTC Barwaha on 21.03.2017. After completing the training, the petitioner was transferred to CISF Unit 7<sup>th</sup> Battallion Kistwar. On 21.05.2019, the petitioner was issued with a charge memorandum stating that, he had given wrong information in Para No 12 of the Attestation Form, in respect of pendency of criminal case. On 31.05.2019, the petitioner submitted his reply to the charge memo by denying the allegations. The petitioner in his reply had stated that on account of an inadvertent error, the mistake happened and the same was unintentional. The disciplinary authority had appointed Asst. Commandant Shri. M. Johnson Singh as inquiry officer to conduct the proceedings.

4. The inquiry officer submitted the inquiry report to the disciplinary authority. The disciplinary authority after agreeing with the findings of the inquiry officer had on 15.07.2019 furnished a copy of the same to the



petitioner, and directed him to submit his response to the inquiry report within fifteen days. The petitioner submitted his response on 17.7.2019. The disciplinary proceedings were later kept in abeyance for the confirmation from the Force Screening committee, Northern Sector. On 06.03.2020, the confirmation was received resulting in continuance of disciplinary action against the petitioner. Accordingly, the final order was passed by the disciplinary authority whereby, the petitioner was removed from service vide order dated 08.03.2020.

5. The petitioner had, on 30.03.2020, filed an appeal against the final order passed by the disciplinary authority to the DIG, by raising infirmities and defects in the inquiry and also by stating that the findings are perverse, harsh and not in consonance with the settled legal principles. By final order dated 23.6.2020, the appeal was rejected.

6. On 28.4.2021, the revision petition challenging the order passed by the Appellate Authority was dismissed by the IG, CISF, Northern Sector, New Delhi.

### **THE CASE OF THE PETITIONER**

7. Mr. P. Sureshan, learned counsel for the petitioner submits that the respondents have taken a mechanical view against the petitioner in the impugned orders by holding that, while filling up Para No. 12 of the Attestation Form, the petitioner provided incorrect information regarding a pending case. The respondents did not conduct the inquiry as contemplated by the Supreme Court in *Avatar Singh vs. Union of India, 2016 (8) SCC 471*.



8. He submits that, in the present case, the criminal case pending against the petitioner was due to political rivalry. The petitioner was never personally involved in the matter. The petitioner was implicated in a case that arose from political agitation. The petitioner had consulted his advocate and signed some documents after learning that he was being called in connection with a criminal case by the local police. He states that the petitioner was neither arrested nor provided with copies of any case documents. Later, the court acquitted the petitioner. He was unaware of the pending case while filling out the application form, which is why he provided the information as he did. He also submits that the petitioner did not have the opportunity to verify the details as he was given the form only at the training camp and the respondents have failed to adhere to the guidelines, and thus, the impugned orders are liable to be quashed and set aside.

9. He submits that the petitioner's acquittal in the criminal case was not even considered by the departmental authorities while passing the impugned order. He also submits that the issue raised in the present petition is squarely covered by the judgment of this Court in *W.P. (C) No. 11083 of 2022*, dated 01.10.2024, titled *Bishnu Pratap vs. Union of India Through Ministry of Home & Ors.* He submits that this Court, in view of the judgment of the Supreme Court in *Pawan Kumar vs. Union of India, 2022 SCC OnLine SC 532*, passed the order of reinstatement with consequential benefits, except the salary for the period the petitioner was not in service.

#### **THE CASE OF THE RESPONDENTS**

10. Mr. Farman Ali, learned Senior Panel Counsel for the respondents submits that the present petition lays a challenge to :-



- a) Final Order No. 1639 dated 08.03.2020 passed by the Sr. Commandant, CISF Unit, Kishtwar.;
- b) Appellate Order No. 4867 dated 23.06.2020 passed by the DIG, CISF, Northern Region-II, Jammu, and;
- c) Revisional Order No. 3254 dated 28.04.2021 passed by the Inspector General, CISF, Northern Sector, New Delhi, whereby he was inflicted with the major penalty of “Removal from Service with immediate effect.”

11. He submits that the gravamen of the charge against the petitioner is his deliberate suppression of material facts concerning his involvement in Case No.366/12 dated 17.07.2012, registered under Sections 447/341/427/323/506/34 of the Indian Penal Code, 1860 at Police Station Harishchandrapur, District Malda, West Bengal, while filling his Attestation Form dated 06.04.2017, at the time of entry into CISF service. He also submits that suppression of material facts regarding criminal antecedents (irrespective of eventual acquittal) strikes at the root of integrity and renders an individual unsuitable for service in a disciplined force such as the CISF.

12. He submits that the petitioner was appointed as Constable/GD in CISF vide appointment letter dated 21.03.2017, and on 03.06.2017 was directed to report for basic training at RTC Barwaha, Madhya Pradesh. At the time of appointment, the petitioner was mandatorily required to submit an Attestation Form, making full and truthful disclosures regarding his personal particulars, character, and antecedents, including details of any past or pending criminal cases. In the said form, the petitioner categorically answered “No” to questions relating to involvement in cases.

13. He submits that, as per the procedure, the Attestation Form was



referred to the District Magistrate, Malda, for verification. The Superintendent of Police, Malda, vide Memo No. VR-352/C/17 dated 07.12.2018 reported that the petitioner was an accused in Case No. 366/12 dated 17.07.2012, registered under Sections 447/341/427/323/506/34 of the Indian Penal Code, 1860 at Police Station Harishchandrapur. It was further reported that the petitioner was subsequently acquitted vide Order/Judgment dated 27.09.2018 passed by 1<sup>st</sup> Judicial Magistrate, Chanchala, Malda due to non-appearance of witnesses.

14. He submits that, during scrutiny of the Attestation Form vis-à-vis the verification report, it was found that the petitioner had deliberately suppressed his involvement in the criminal case bearing Case No.366/2012 dated 17.07.2012 which ended in Charge Sheet no.532/2012 dated 15.12.2012. Accordingly, a Charge Memorandum dated 21.05.2019, was issued to petitioner under Rule 36 of the CISF Rules, 2001, for suppression of material facts. The petitioner, vide representation dated 31.05.2019, denied the charges. The Inquiry Officer and Presenting Officer were appointed on 11.07.2019, to conduct a regular departmental enquiry. The enquiry was held in accordance with Rule 36. The Inquiry Officer, after due proceedings, found the charge proved.

15. Thereafter, the matter was placed before the Standing Screening Committee (SSC) at CISF Headquarters, New Delhi, which opined that the petitioner was unsuitable for retention in service given the nature of suppression. Relying upon the findings of the Inquiry Officer and the SSC's recommendation, the Disciplinary Authority, after due consideration, imposed the penalty of '*Removal from Service with immediate effect*' vide order dated 08.03.2020. The petitioner preferred an appeal dated 30.03.2020,



which was dismissed by the Appellate Authority on 23.06.2020.

16. He submits that the disciplinary proceedings were conducted strictly in accordance with law, ensuring compliance with the principles of natural justice. The punishment awarded is proportionate to the gravity of misconduct, particularly in light of the higher standard of integrity expected in a uniformed force. He also submits that, during hearing on 22.01.2025, this Court directed the respondents for verification of the petitioner's plea that, he was unaware of the criminal case proceedings.

17. He submits that, in compliance of the order of this Court dated 22.01.2025, the respondents filed an application dated 05.05.2025 before the Judicial Magistrate First Class, Chanchai, District Malda; which issued a certified reply dated 02.06.2025, confirming that the petitioner had indeed appeared in G.R. Case No. 3198/2012 (State v. Kailash Mandal & Ors.). This confirmation belies the petitioner's plea of ignorance. In this regard a Compliance Affidavit dated 11.06.2025, has been filed on record, annexing the said judicial confirmation. In support of his submission Mr. Ali relies on the following judgments with the propositions, stated:-

- a) ***Devendra Kumar v. State of Uttarakhand, (2013) 9 SCC 363*** – Suppression of involvement in a criminal case, even if followed by acquittal, constitutes moral turpitude and justifies termination.
- b) ***Avtar Singh v. Union of India, (2016) 8 SCC 471*** (3-Judge Bench) – Non-disclosure or suppression of pending/past criminal involvement in Attestation Forms renders a candidate unsuitable, particularly in uniformed forces.
- c) ***Delhi Admn. v. Sushil Kumar, (1996) 11 SCC 605*** – Suitability in disciplined forces is judged on antecedents, not on mere



acquittal/discharge.

- d) *Union of India v. M. Bhaskaran, 1995 Supp (4) SCC 100* – Appointment obtained by suppression or fraud is voidable and confers no equity.
- e) *Rajasthan Rajya Vidyut Prasaran Nigam Ltd. v. Anil Kanwariya, (2021) 10 SCC 136* – Concealment of criminal antecedents undermines trustworthiness and justifies dismissal.

18. He submits that the principle consistently upheld is that suppression of material facts in service matters vitiates the very foundation of employment and disentitles the employee from continuance, particularly in disciplined/uniformed forces and in the present case, the petitioner intentionally suppressed his involvement in criminal case while filling his Attestation Form. His subsequent plea of ignorance stands falsified through judicial verification. As a member of a uniformed force, the petitioner was obliged to maintain unimpeachable integrity, which he has failed to do.

19. Mr. Ali justifies the punishment of removal from service is proportionate to the charge framed and proved. It is necessary to preserve discipline in the CISF. Any interference would not only erode institutional integrity but also set a deleterious precedent.

#### **REASONS AND CONCLUSION**

20. Having heard the learned counsel for the parties, the short issue which arises for consideration is whether the respondents were justified in issuing memorandum of charge dated 21.05.2019 to the petitioner and whether the penalty of removal imposed on the petitioner is illegal and needs to be set aside.

21. We are not in agreement with the submissions made by the Mr



Sureshan as noted above. This we say so for the reason that there is no dispute that the Case No. 366/2012, FIR dated 17.07.2012 against the petitioner under Sections 447/341/427/323/506/34 of Indian Penal Code, 1860 was registered in the year 2012. The Attestation Form was filled by the petitioner on 06.04.2017. The case was decided on 28.09.2018/ 04.10.2018. So, it follows that on the date when the petitioner had filled the Attestation Form, the case was pending against the petitioner. On the queries atleast with regard Serial No. 12(b) & (d) '*have you ever been prosecuted*' and '*have you ever been bound down*', the answer could not have been "No".

22. The plea of Mr Sureshan is that the petitioner was not aware of the criminal case pending against him. Further, it is stated that the petitioner filled up the Attestation Form while he was in the training camp, moreover, his Advocate made him sign certain documents. These submissions would not justify the petitioner filling up the Attestation Form in the manner he has done.

23. Suffice to state, the information given by the Court of JMFC, Chanchai, District Malda, that the petitioner had appeared before the Court in the G.R. Case No. 3198/2012 i.e., criminal case, as per the application for information under High Court Form No.(M) 56A, proves that the petitioner had appeared in the criminal proceedings.

24. On a question to the learned counsel for the petitioner; whether the petitioner was released on bail, his answer is, he is not aware of the same. Be that as it may, he also qualifies the submission by stating that the bail was granted by the Police authorities.

25. In any case, it can be inferred that the petitioner was bound down by the Court/authorities. What is important is the petitioner had concealed the



fact that he was never prosecuted in a Court of law.

26. Mr. Sureshan, learned counsel for the petitioner would rely upon the judgments in the case of *Avatar Singh (supra)*, *Pawan Kumar (supra)* and *Bishnu Pratap (supra)*.

27. Insofar as the judgment relied upon by Mr. Sureshan, in the case of *Pawan Kumar (supra)* is concerned, the same is distinguishable on facts, inasmuch as, in the said case, the petitioner applied for the post in Railway Protection Force (RPF) vide a notification dated 27.02.2011. While the appellant was undergoing training, he was discharged from service vide order dated 24.04.2015. As per the facts, noted before the High Court, an FIR was registered against the petitioner/appellant on 04.04.2011 and the charge sheet was filed on 13.04.2011. The competent court of jurisdiction acquitted the individual on 07.07.2011. The case of the respondents therein was that the petitioner /appellant did not disclose the same in the attestation form on 27.05.2014, that he was prosecuted at one stage.

28. The Supreme Court after considering the judgment in the case of *Avatar Singh (supra)* and also the law laid down in other judgments has summarised the conclusion in the following manner:-

*“12. Earlier, there has been a conflict of opinion in the various decisions of Division Benches of this Court and at the stage when the Division Bench of the High Court dismissed the writ petition under the impugned order dated 17th November, 2015, there were divergent views of this Court and that came to be later settled by a three Judge Bench of this Court in Avtar Singh v. Union of India<sup>1</sup>. While summarizing the conclusion, this Court has laid down broad guidelines which has to be taken note of by the appointing/competent authority in dealing with the*



*matters where there is a suppression of material information or disclosure of false information and after reconciling the earlier judgments succinctly summarized the conclusions as under:*

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*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.”*

29. In ***Bishnu Pratap (supra)***, the facts as noted from the case is that the petitioner was accused in the FIR for an incident on 14.05.2018 and was acquitted of the charges vide judgment dated 10.06.2019. This Court noted that the criminal case against the petitioner was with respect to a fight between two youths in the Village and was acquitted.

30. The counsel for the respondents has relied upon the latest judgment of the Supreme Court in the case of ***Satish Chandra Yadav v. Union of India and Others, (2023) 7 SCC 536***, wherein, the Supreme Court while referring to all the judgments which have been relied upon by the counsel for the petitioner in paragraphs 93, 101, 102 and 104, held that:-

*“93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:*

*93.1. Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials — more so, in the case of recruitment for the*



*Police Force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. (See Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347 : (2021) 2 SCC (L&S) 745] )*

*93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.*

*93.3. The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.*

*93.4. The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.*

*93.5. The Court should inquire whether the authority concerned whose action is being challenged acted mala fide.*

*93.6. Is there any element of bias in the decision of the authority?*

*93.7. Whether the procedure of inquiry adopted by the authority concerned was fair and reasonable?*

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*101. Indisputably, Satish Chandra Yadav was still under probation at the time his services had been*



*terminated. It is also apparent from the record that Satish Chandra Yadav had been given appointment on probation subject to the verification of facts given in the verification form. To our mind, therefore, if an enquiry revealed that the facts given were wrong, the respondent herein was at liberty to dispense with the services of the appellant Satish Chandra Yadav as the question of any stigma and penal consequences at this stage would not arise. It bears repetition that what has led to the termination of the services of the appellant Satish Chandra Yadav is not his involvement in the criminal case which was then pending, and in which he had been acquitted subsequently but the fact that he had withheld relevant information while filling in the verification form. He could be said to have exhibited or displayed such a tendency which shook the confidence of the respondent.*

*102. Administrative law has traditionally approached the review of decisions classified as discretionary separately from those seen as involving the interpretation of rules of law. The rule has been that the decisions classified as discretionary may only be reviewed on limited grounds such as the bad faith of decision-makers, the exercise of discretion for an improper purpose, and the use of irrelevant considerations. A general doctrine of “unreasonableness” has also sometimes been applied to the discretionary decisions. In our opinion, these doctrines incorporate two central ideas — those discretionary decisions, like all other administrative decisions, must be made within the bounds of the jurisdiction conferred by the statutory rules, but that considerable deference will be given to the decision-makers by the courts in reviewing the exercise of that discretion and determining the scope of the decision-makers' jurisdiction. These doctrines recognise that it is the intention of a legislature, when using statutory language that confers broad choices on the*



*administrative agencies, that courts should not lightly interfere with such decisions, and should give considerable respect to the decision-makers when reviewing the manner in which discretion was exercised. However, discretion must still be exercised in a manner that is within a reasonable interpretation of the margin of manoeuvre contemplated by the legislature, in accordance with the principles of the rule of law.*

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*104. We find that the observations in the aforesaid case are fully applicable to the appeal filed by Satish Chandra Yadav. We are of the opinion that it was a deliberate attempt on the part of the appellant Satish Chandra Yadav to withhold the relevant information and it is this omission which has led to the termination of his service during the probation period.”*

31. In the present case, a charge-sheet was issued for concealment of information in the Attestation Form resulting in the charges being proved followed by the imposition of penalty of removal from service.

32. On the issue of concealment of information by candidate/employee, the Supreme Court has dealt with it in the case of ***Union of India & Others v. Shishupal @ Shiv Pal, 2024 INSC 550***. In the said case, the respondent was issued an appointment order. In the verification roll, Column No.12 directs the respondent/employee to state in clear terms whether the person has been arrested or prosecuted or whether any case was pending against him in any Court of law at the time of filling up the form. The answer to a series of questions on the same lines was required to be given in a ‘Yes’ or ‘No’ format while again cautioning the employee that furnishing of any false information or suppression of any factual information would be a disqualification and likely to render the employee unfit for employment



under the government. A warning was also issued that if any false information was furnished or there was suppression of any factual information that came to the notice of the employer during the course of service of a person, his services would liable to be terminated.

33. The respondent/employee answered in negative to all the questions posed in column no.12 of the verification roll. In the verification process, the District Magistrate of Mainpuri, UP confirmed that a criminal case had been registered against the employee and the matter was pending before the Court. Thereafter, domestic enquiry proceedings were held and later, by a disciplinary authority and appellate authority agreed with the finding of the authorities and an order was passed removing the employee/respondent from the service.

34. Aggrieved by the said order, the respondent / employee filed a writ petition before the High Court, which was allowed by the learned Single Judge by holding that there are no criminal cases pending against him. An *intra* Court appeal was also dismissed.

35. The question before the Supreme Court was whether the appellants were justified in terminating the services of the respondent on the post of Constable (GD) in the CRPF after conducting a departmental inquiry against him on receiving information that he had deliberately failed to reveal in his Verification Roll that two criminal cases were pending against him.

36. The Supreme Court noted that the employee was taken into judicial custody and was granted bail by the trial Court on 04.10.2011. On 13.11.2013, charges were framed against the respondent and the other co-accused and the matter was set down to trial. All the incidents relating to registration of the FIR, detention of the respondent, his having applied for



bail while in judicial custody and granted bail vide order dated 04.10.2011 had transpired much before he was called upon by the appellants to fill up the Verification Roll, i.e., well before 30.11.2011. Despite that the respondent choose not to disclose the information pertaining to the cases to the appellants and replied in the negative the specific queries posed to him in the verification roll, as have been extracted above.

37. The issue before the Supreme Court was not the termination of service of the employee because of the pendency of criminal case or its outcome, but on the failure on the part of the respondent to have truthfully disclosed in the verification roll that criminal cases were pending against him at the relevant point in time.

38. The Court while examining the question of suppression of material information, submission of false information in the verification roll by an aspirant of the government job, referred to *Avatar Singh(supra)* noted that the yardstick to be applied for the verification of the disclosure made by a candidate to the employer so as to decide as to whether the applicant could be fit for appointment or not, and relied upon paragraphs no.38 to 38.10.

39. The Supreme Court held that the purpose of seeking relevant information with respect to antecedents of a candidate/employee is to enable the employer to ascertain the suitability of the candidate/employee for the subject post. The Supreme Court whilst dealing with the issue has also referred to its judgment in the case of *The State of Madhya Pradesh and Others v. Bhupendra Yadav, 2023 INSC 837* , wherein, the Court has held that:-

*“16. As can be discerned from the above decision, an employer has the discretion to terminate or condone an*



*omission in the disclosure made by a candidate. While doing so, the employer must act with prudence, keep in mind the nature of the post and the duties required to be discharged. Higher the post, more stringent ought to be the standards to be applied. Even if a truthful disclosure has been made, the employer is well within its right to examine the fitness of a candidate and in a concluded criminal case, keep in mind the nature of the offence and verify whether the acquittal is honourable or benefit has been extended on technical reasons. If the employer arrives at a conclusion that the incumbent is of a suspect character or unfit for the post, he may not be appointed or continued in service.”*

40. The Supreme Court also noted that, in its earlier decision in the case of ***Daya Shankar Yadav v. Union of India and Others, (2010) 14 SCC 103***, with regard to consequences of examining the information received from a candidate with respect to his/her antecedents regarding suitability for the post has held that:-

*“15. When an employee or a prospective employee declares in a verification form, answers to the queries relating to character and antecedents, the verification thereof can therefore lead to any of the following consequences:*

*(a) & (b).xxx*

*(c) Where the declarant has answered the questions in the negative and on verification it is found that the answers were false, the employer may refuse to employ the declarant (or discharge him, if already employed), even if the declarant had been cleared of the charges or is acquitted. This is because when there is suppression or non-disclosure of material information bearing on his character, that itself becomes a reason for not employing the declarant.*

*(d) xxx”*

41. The Supreme Court also relying on the case of ***Rajasthan Rajya***



***Vidhut Prasaran Nigam Limited and Another v. Anil Kanwaria, (2011) 10 SCC 136***, wherein it held that, even where there was a subsequent acquittal, an employee cannot claim appointment as a matter of right having furnished false information or having indulged in suppression of material facts relating to a pending criminal case, has in paragraph no.14 held that:-

*“14. The issue/question may be considered from another angle, from the employer's point of view. The question is not about whether an employee was involved in a dispute of trivial nature and whether he has been subsequently acquitted or not. The question is about the credibility and/or trustworthiness of such an employee who at the initial stage of the employment i.e. while submitting the declaration/ verification and/or applying for a post made false declaration and/or not disclosing and/or suppressing material fact of having involved in a criminal case. If the correct facts would have been disclosed, the employer might not have appointed him. Then the question is of trust. Therefore, in such a situation, where the employer feels that an employee who at the initial stage itself has made a false statement and/or not disclosed the material facts and/or suppressed the material facts and therefore he cannot be continued in service because such an employee cannot be relied upon even in future, the employer cannot be forced to continue such an employee. The choice/option whether to continue or not to continue such an employee always must be given to the employer. At the cost of repetition, it is observed and as observed hereinabove in catena of decision such an employee cannot claim the appointment and/or continue to be in service as a matter of right.”*

(emphasis supplied)

42. The Supreme Court on the observation made by the learned Single Judge that the respondent was a young man and his discretion ought to be condoned by imposing a minor penalty than removing him from service, was not in agreement and noted that the answer lies in the observation made



in ***Bhupender Yadav (supra)***, wherein the Court held that:

*“24.....The yardstick to be applied in cases where the appointment sought relates to a Law Enforcement Agency, ought to be much more stringent than those applied to a routine vacancy. One must be mindful of the fact that once appointed to such a post, a responsibility would be cast on the respondent of maintaining law and order in the society, enforcing the law, dealing with arms and ammunitions, apprehending suspected criminals and protecting the life and property of the public at large. Therefore, the standard of rectitude to be applied to any person seeking appointment in a Law Enforcement Agency must always be higher and more rigorous for the simple reason that possession of a higher moral conduct is one of the basic requirements for appointment to a post as sensitive as that in the police service.”*

43. In the case of ***Ex-Const/DVR Mukesh Kumar Raigar v. Union of India & Others, (2023) 11 SCC 159***, the Supreme Court held that suppression of information pertaining to pendency of criminal litigation in character certificate at the time of submitting verification thereof, in appointment/enrolment process and removal of appellant was justified and suppression of criminal litigation at time of enrolment in force amounted to grave misconduct justifying his removal from disciplined police force which was deployed in sensitive sectors. The Court further held that:-

*“11. It may be noted that even after the guiding principles laid down in the case of Avtar Singh by the three-judge Bench, divergent views were expressed by the various benches of this Court. Therefore, this Court in case of Satish Chandra Yadav Vs. Union of India & Others.2 , after taking into consideration the inconsistent views taken in the cases of Union of India & Ors. Vs Methu Meda3 ; Union of India vs. Dilip Kumar Mallick4 ; Pawan Kumar*



*vs. Union of India & Anr.5 ; Rajasthan Rajya Vidyut Prasaran Nigam Limited & Anr. vs. Anil Kanwariya6 ; Mohammed Imran Vs. State of Maharashtra & Others7 ; etc., further laid down following principles:*

*“92. The only reason to refer to and look into the various decisions rendered by this Court as above over a period of time is that the principles of law laid therein governing the subject are bit inconsistent. Even after, the larger Bench decision in the case of Avtar Singh (supra) different courts have enunciated different principles.*

*93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:*

*a) Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials-more so, in the case of recruitment for the police force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. [See Raj Kumar (supra)]*

*b) Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.*

*c) The suppression of material information and making a false statement in the verification Form relating to arrest, prosecution, conviction etc., has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information*



*in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.*

*d) The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.*

*e) The Court should inquire whether the Authority concerned whose action is being challenged acted mala fide.*

*f) Is there any element of bias in the decision of the Authority?*

*g) Whether the procedure of inquiry adopted by the Authority concerned was fair and reasonable?"*

*12. Having regard to the guiding principles, laid down in case of Avtar Singh (supra) and in case of Satish Chandra Yadav (supra), this Court has no hesitation in holding that the Single Bench of the High Court had committed an error in interfering with the order passed by the respondents-authorities. The respondents-authorities had after taking into consideration the decision in case of Avtar Singh terminated the services of the petitioner holding inter-alia that while the petitioner was appointed in CISF, a criminal case was pending against him at the time of his enrolment in the force, but he did not reveal the same and that there was deliberate suppression of facts which was an aggravating circumstance. It was also held that CISF being an armed force of Union of India, is deployed in sensitive sectors such as airports, ports, department of atomic energy, department of space, metro, power and steel, for internal security duty etc., and therefore, the force personnel are required to maintain discipline of the highest order; and that the involvement of the petitioner in such grave offences debarred him from the appointment. Such a well-reasoned and well considered decision of the respondent-authorities should not have been interfered by the Single Bench in exercise of its powers under Article 226*



*of the Constitution, more particularly when there were no allegations of malafides or of non-observance of rules of natural justice or of breach of statutory rules were attributed against the respondent authorities.”*

44. This Court in the case of *Nomil Rana v. Union of India & Ors*, **2024:DHC:1614-DB** has in paragraphs 34, 37 and 38 as under:-

*“34. The law in this regard is well settled and as such, the issue in hand is squarely covered by the judgments of the Supreme Court. It is pertinent to refer to the judgment of the Supreme Court in the case of Rajasthan Rajya Vidyut Prasaran Nigam Limited and Another v. Anil Kanwariya, (2021) 10 SCC 136, post Avtar Singh (supra), wherein in paragraphs 14 and 15, it has been held as under:*

*“14. The issue/question may be considered from another angle, from the employer's point of view. The question is not about whether an employee was involved in a dispute of trivial nature and whether he has been subsequently acquitted or not. The question is about the credibility and/or trustworthiness of such an employee who at the initial stage of the employment i.e. while submitting the declaration/verification and/or applying for a post made false declaration and/or not disclosing and/or suppressing material fact of having involved in a criminal case. If the correct facts would have been disclosed, the employer might not have appointed him. Then the question is of trust. Therefore, in such a situation, where the employer feels that an employee who at the initial stage itself has made a false statement and/or not disclosed the material facts and/or suppressed the material facts and therefore he cannot be continued in service because such an employee cannot be relied upon even in future, the employer cannot be forced to continue such an employee. The choice/option whether to continue or not to continue such an employee always must be given to the employer. At the cost of repetition, it is observed*



*and as observed hereinabove in catena of decision such an employee cannot claim the appointment and/or continue to be in service as a matter of right. 15. In view of the aforesaid facts and circumstances of the case, both, the learned Division Bench as well as the learned Single Judge have clearly erred in quashing and setting aside the order of termination terminating the services of the respondent on the ground of having obtained an appointment by suppressing material fact and filing a false declaration. The order of reinstatement is wholly untenable and unjustified.”*

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*37. It thus, necessarily follows that the respondents are justified in passing the impugned order of termination on the ground of suppression of material information by the petitioner in the Attestation Form.*

*38. It also follows that the suppression of the material information regarding pendency of Criminal Case by the petitioner, who is seeking appointment to a police post wherein he is required to maintain public order, surely, has a bearing on his suitability to hold the post in question. That apart, it is also not the case of the petitioner that the termination has been actuated by mala fide on the part of the respondents” Force. Therefore, the action of the respondents terminating the services of the petitioner on the ground of suppression of material information regarding pendency of the Criminal Case in the Attestation Form, is justified.”*

(Emphasis supplied)

45. Suffice to state the law is settled to the extent that, if there is a shade of evidence to prove the charge, the Court will not interfere. In fact, there is conclusive evidence against the petitioner on the concealment of the criminal case in the Attestation Form at the time of his joining the force. At the time the petitioner joined the respondents, he was an accused in criminal proceedings. The plea that the petitioner was unaware of the pending case



against him does not impress us, more so, where the petitioner/counsel had appeared, as per High Court Form No.(M) 56A.

46. The petitioner was under bail/on bail bond at the time of his training and also, while filing his Attestation Form, the petitioner had answered 'No' against query 12(i) '*Is any case pending against you in any Court of Law at the time of filling up this attestation form?*'. The Attestation Form also state that, if false information has been furnished or that there has been suppression of any factual information in the Attestation Form which comes to notice at any time during the service of a person, his services would liable to be terminated.

47. The reliance placed by Mr Sureshan on the judgments of *Pawan Kumar (supra)* and *Bishnu Pratap (supra)* would not come to the aid of the petitioner, inasmuch as, in the present petition, as read out from the acquittal judgment, the petitioner was on bail bond, which fact was concealed from the respondents. The judgments are clearly distinguishable, as in the case in hand, the respondents till the stage of the Revisional Authority has considered the conclusion drawn against the petitioner in the departmental enquiry, resulting in the penalty of removal from service. So, three authorities have applied their mind on the action against the petitioner.

48. So it follows the conclusion drawn by the Supreme Court in catena of judgments is clear that the scope of judicial review is very limited.

49. We, in view of the above cannot sit as an Appellate Authority over the conclusion drawn by the Inquiry Officer, Disciplinary Authority, Appellate Authority and the Revisional Authority. It is not a case wherein, arbitrariness or violation of principles of natural justice has been alleged by the petitioner. We also note that three authorities have considered the gravity



of the charges framed and proved against the petitioner.

50. In the facts of this case, we are of the view that the impugned action of the respondents cannot be faulted. The petition being devoid of merits is dismissed.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**JANUARY 19, 2026/sr**