2026 INSC 882

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12389 OF 2022

BAPPA BARAI ...APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. …RESPONDENT(S)

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12105 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 11812 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 14889 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12227 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12132 OF 2022

Signature Not Verified
Digitally signed by KAPIL TANDON
Date: 2026.03.18 18:39:46 IST
Reason:

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 14916 OF 2022

With

CIVIL APPEAL NOS. OF 2026
ARISING OUT OF SLP (C) NOS. 11754-11756 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12392 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12430 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 12434 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 11946 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 14890 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 11820 OF 2022

With

CIVIL APPEAL NO. OF 2026
ARISING OUT OF SLP (C) NO. 14532 OF 2022

J U D G M E N T

1. Leave granted.

2. These civil appeals are against the common judgment of the Division Bench of Allahabad High Court dated 22.09.2021 upholding certain decisions of the Single Judge, again dismissing the writ petitions filed by the appellants against the order of discharge from service for non-disclosure of criminal antecedents at the recruitment process to the post of constables in Railway Protection Force ["RPF"] and Railway Protection Special Force ["RPSF"].[1]

3. The Chief Security Commissioner, RPF issued an Employment Notice on 23.02.2011 for filling up vacancies in the post of constables in RPF and RPSF. The appellants appeared and qualified in the written examination dated 16.06.2013 and also cleared the physical and efficiency test, resulting in their names being published in the select list dated 17.09.2014. The appellants were called for document verification and medical examination between May to June of 2014.

[1] Special Appeal Nos. 153 of 2019, 259 of 2019, 256 of 2019, 262 of 2019, 260 of 2019, 261 of 2019, 251 of 2019, 250 of 2019, 249 of 2019, 255 of 2019, 254 of 2019, 253 of 2019, 252 of 2019, 199 of 2019, 271 of 2019, 265 of 2019 and 440 of 2019 in the High Court of Allahabad.

4. It is an admitted fact that none of the appellants have disclosed during verification that there were pending criminal cases against them. It is also an admitted fact that pursuant to the verification and medical examination, the respondent-authorities proceeded to issue allotment letters and the appellants were sent for training.

5. At the time when the appellants were undergoing training, the respondent-authorities came to know about the subsisting criminal cases against them and also realised that such facts were suppressed and deliberately not mentioned during the verification process. The Authorities then proceeded to issue orders of discharge from service to each of the appellants between June to October 2015. This action is based on the mandate of Rules 52 and 67 of the RPF Rules, 1987, Clause 9(f) of the Employment Notice dated 23.02.2011, as also paragraph 3 of the Attestation Form.

6. Aggrieved by the orders of discharge, the appellants approached the Allahabad High Court by filing writ petitions under Article 226 of the Constitution. These writ petitions were initially heard and decided by Single Judge Benches, which quashed the orders of discharge and directed the authorities to reconsider the appellants'

cases as per the principle laid down by this Court in *Avtar Singh v. Union of India & Ors.*[2]

7. Pursuant to the directions of the Single Judges, the authorities considered the matter and passed detailed orders in the months of March, May and December of 2017 discharging each of the appellants on the ground of suppression and non-disclosure of criminal antecedents.

8. As against the orders passed by the respondent-authorities, appellants again approached the High Court by filing writ petitions which were heard independently and dismissed by the Single Judge. Questioning the legality and validity of the orders passed by the Single Judge, the appellants filed writ appeals and the Division Bench by the order impugned before us, dismissed all the writ appeals upholding the decisions of the Single Judge and thereby confirming the orders of discharge from service.

9. Following the mandate of the rule that governs the subject and the principles laid down by this Court in *Avtar Singh* (supra), the

[2] (2016) 8 SCC 471.

Division Bench proceeded to dismiss the writ appeals by adopting the reasons that;

(i) None of the principles of *Avtar Singh* (supra) will apply to the appellants as the appellants had knowledge regarding the pending criminal cases against them and chose not to disclose them at the time of verification.

(ii) The appellants did not make a case of any special circumstances because of which they could not disclose these pending criminal antecedents.

(iii) Further, no specific averments were made in the pleadings before the Court about factors such as triviality of the offence, lack of knowledge of the pending criminal case and the criteria on the basis of which discharge was ordered were vague.

10. Aggrieved by the common judgment of the Division Bench, the appellants herein have filed the present batch of Civil Appeals.

11. Mr. Gopal Sankaranarayanan and Mr. Anand Sanjay M. Nuli, learned Senior Counsels appearing for the appellants contended the following:

a) The High Court erred in not setting aside the Discharge Orders issued in the year 2017 removing the appellants from service solely on the ground that there was concealment regarding their prior criminal antecedents despite the law laid down in *Avtar Singh* (supra), which categorically states that removal of a person from service for mere suppression of material information without any independent and objective evaluation is arbitrary. The same principle was reiterated by this Court in *Pawan Kumar v. Union of India*[3], whereby this Court quashed a discharge order of a RPF/RPSF constable for merely not disclosing a criminal case. Further reliance was also placed on the recent judgment in *SPO/Constable IRB Satpal Singh* v. *State of Punjab & Ors.*[4] whereby this Court held that discharge cannot be ordered solely on the ground of a pending criminal case.

b) All the appellants who applied for the post of Constable have been acquitted of all charges with 14 out of 17 of

[3] (2023) 12 SCC 317, para 15.
[4] 2026 INSC 798.

them being acquitted before they were discharged by the respondent-authorities.

c) Appellants have placed on record that at least 26 similarly situated candidates with prior criminal antecedents, who were initially discharged from service on the ground of non-disclosure have been reinstated. Out of these 26, 11 who were acquitted before filling the attestation form and 15 who were acquitted after filling the attestation form have been reinstated by the respondent-authorities. Therefore, based on parity, non-reinstatement of the appellants would be arbitrary and contrary to law.

12. *Per contra,* Mr. Vikramjit Banerjee, Learned Additional Solicitor General appearing for the respondents, submitted the following:

a) The appellants' cases, on the direction of the Allahabad High Court, were re-examined in the light of the principles laid down by this Court in *Avtar Singh (supra)* by the respondents. It was only after an independent assessment, followed by reasoned discharge orders, that they were declared not suitable for the post of Constable in the RPSF & RPF in 2017.

b) It is settled law that suppression of material information and making a false statement in the Verification Form relating to criminal antecedents has a clear bearing on the character of the employee. Moreover, a person suppressing material information cannot claim an unfettered right to continuity in service.

c) The reliance on *Pawan Kumar* (supra) by the appellants is incorrect as in that case, the criminal case registered against the appellant therein and his acquittal from the same happened before he filled the attestation/verification form. In the present case, all appellants had prior criminal antecedents before filling of the attestation form and had not been acquitted at the time when they filled the verification form.

d) The appellants cannot claim parity with the persons reinstated as the decisions are based on a case-by-case study. They have been reinstated on the grounds that they were acquitted before filling up the Attestation Form or were found suitable for service pursuant to re-consideration as per the directions of various High Courts.

13. Before we proceed to consider the submissions, it is necessary to refer to the relevant rules and regulations that govern recruitment and appointment to this post. The provisions that we are going to refer to, clearly lay down that when recruitment commences and before a candidate is selected to any post under RPF Rules and is given an order of employment, there is a requirement of self-verification and the consequence of suppression is clearly spelt out.

14. The mandate of law is that a candidate who intends to participate in the selection process must provide complete information, which includes subsistence of any criminal case against him/her. The rules that govern the field make it clear that if the disclosure is not made, the candidate is liable to be discharged from service at any point of time.

15. RPF Rules 1987 framed under the Railway Protection Force Act 1957, govern the subject of these posts. Rules 52 and 67, which are necessary for our consideration, are as follows;

> "***52. Verification***
>
> *52.1. As soon as a recruit is selected but before he is formally appointed to the Force, his character and antecedents shall be got verified in accordance with the procedure prescribed by the Central Government from time to time.*
>
> *52.2. Where after verification, a recruit is not found suitable for the Force, he shall not be appointed as a member of the Force."*

> *"**67. Disciplinary Control***
>
> *67.1 The staff and trainees at any training institution of the Force, shall, so long as they are at such institution or undergoing practical training at some other place, be under the disciplinary control of the Principal of that training institution.*
>
> *67.2 A direct recruit selected for being appointed as enrolled member, till such time he is not formally appointed to the Force, is liable to be discharged at any stage if the [Principal Chief Security Commissioner] for reasons to be recorded in writing, deems it fit so to do in the interest of the Force."*
>
> (emphasis supplied)

16. Further, the Employment Notice No. 1/2011 dated 23.02.2011 contains important clauses. Clause 9(f) is of some importance;

> "*9(f) Candidates found to be having adverse report on their antecedents and character may not be appointed in RPF including RPSF. False Declaration is an offence under the law and will lead to disqualification of the applicant, institution of criminal case and also dismissal from service, if appointed. Hence, applicants are advised to be careful while filling in the application.*"

17. Paragraphs 1, 3 as also Clauses (a) and (b) of Column No.12 of the Attestation Form that are issued at the time of verification and medical examination are also relevant;

> ***"ATTESTATION FORM***
>
> ***1.*** *THE FURNISHING OF FALSE INFORMATION OR SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTESTATION FORM WOULD BE A DISQUALIFICATION, AND IS LIKELY TO RENDER THE CANDIDATE UNFIT FOR EMPLOYMENT UNDER THE GOVT.*
>
> ***3.*** *IF THE FACT THAT FALSE INFORMATION HAS BEEN FURNISHED OR THAT THERE HAS BEEN SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTESTATION*

FORM COMES TO NOTICE AT ANY TIME DURING THE SERVICE OF A PERSON, HIS SERVICES WOULD BE LIABLE TO BE TERMINATED.

…….

12(a): Have you ever been arrested? Yes/No _/

12(b): Have you ever been prosecuted? Yes/No_/"

18. A reading of the Verification required under Rule 52, coupled with the Disciplinary Control that would be exercised under Rule 67, followed by the Declaration in clause 9(f) of the Employment Notice and the Attestation Form makes it very clear that the candidate will be discharged for non-disclosure of information about the pending criminal cases. This is the mandate of law (Rule) that governs the recruitment process.

19. The mandate of law must also be understood in the context of the following principles formulated by this Court in *Avtar Singh* (supra);

"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."

20. At the outset, we may point out that while Clauses (a) and (b) of Column No. 12 of the Attestation Form categorically required disclosure of pending criminal cases, if any, appellants have chosen to declare "NO". Good conduct and strength of character always lie in the choices that one makes. The appellants chose to say "NO" despite the categorical warning in the RPF Rules, Employment Notice and the Attestation Form which also indicated the consequence of non-disclosure. This being the situation, we are of the opinion that there is no need for any further discussion about the fact of non-disclosure amounting to suppression. It is in this very

context that the Division Bench has recorded "*they were guilty of suppressio veri or suggestio falsi, i.e., had knowledge of suppression of specific information sought in the attestation/verification form, which they had deliberately omitted to mention.*" We will now examine the legality and validity of the order of discharge in the context of the principles laid down by this Court in *Avatar Singh* (supra). While analysing the information of the candidate about either its suppression or its disclosure in the context of the due consideration that it should receive, the High Court identified different instances, such as cases where; (i) conviction/acquittal of the candidate occurred before filling of the verification (para 38.4), (ii) candidate making truthful declaration of the concluded criminal case (para 38.5), (iii) truthful declaration by the candidate regarding pendency of a criminal case (para 38.6), (iv) cases where the candidate indulged in deliberate suppression of fact with respect to multiple pending cases (para 38.7), (v) the candidate is ignorant of pending criminal cases (para 38.8), and (vi) where the candidate expresses uncertainty and vagueness in the requirement of verification (para 38.10)

21. The facts of the present case fall under the instance referred in para 38.7 of the judgment in *Avtar Singh* (supra), as the appellants

have chosen not to indicate pendency of the criminal cases in the verification form. *Avtar Singh* (supra) holds;

> *"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."*

22. The Single Judge as well as the Division Bench have recorded a finding that there is no averment in the pleadings about the ignorance of the appellants qua such pendency. Under these circumstances, we are of the opinion that the Single Judge as well as the Division Bench have not committed any error in dismissing the Writ Petitions.

23. Further, though the plea relating to the violation of the principle of natural justice was not taken by the appellants before this Court, it is seen from the record that they were all discharged from service between June to October 2015 but in the first round of litigation, the High Court set aside the said orders and directed the authorities to reconsider the decision as per the principles laid down in *Avatar Singh* (supra). Following the said direction, detailed orders were passed in the year 2017 with reasons for discharge recorded and in compliance with the principles laid down in *Avatar Singh* (supra). The

discharge orders of 2017 are the subject matter of the present litigation, whereunder the Single Judge and the Division Bench conducted the necessary judicial review and upheld the executive action. In this background, we have no hesitation in holding that the principles of natural justice are fully complied with and that the appellants had full opportunity to represent their cases.

24. The learned counsels have also relied on the decision of this Court in *Pawan Kumar* (supra). Facts of the said case would reveal that though the FIR was filed against the appellant therein on 04.04.2011, about which he had not made a fair disclosure in the Attestation Form filled on 27.05.2014, he was acquitted on 12.08.2011 itself, which was much before filling of the Attestation Form. We are of the opinion that the decision of *Pawan Kumar* (supra) has no application to the facts of the present case.

25. The learned counsels for the appellants have also relied on *Satpal Singh* (supra) to advance a submission that mere pendency of a criminal case cannot be a ground to terminate a candidate from service. The facts of that case would show that the appellant therein was already in service for twelve years as Special Police Officer from 1991 and was discharged on 14.01.2003 for merely a case pending

against him instituted on 20.07.2001 in which he was ultimately convicted. Moreover, the Civil Appeal therein arose from a civil suit seeking a declaratory relief of reinstatement along with service benefits, with this Court ultimately granting him damages to the tune of Rs. 25 Lakhs. Given both these counts that the appellant therein was already in service and that the civil appeal arose out of a suit seeking continuity in service and service benefits, the same would not be applicable to the present case of the appellants.

26. The learned counsels for the appellants have also raised an alternative plea based on discrimination. They would submit that the respondent-authorities have in fact reinstated candidates who were similarly placed as that of the appellants, that is, these reinstated candidates also did not disclose pending criminal cases in the verification form.

27. We called upon the learned Additional Solicitor General to take instructions and inform us about reinstatement of similarly placed candidates. The ASG has informed us that 19 candidates were in fact reinstated. He would submit that out of the 19 candidates, 12 candidates were reinstated as they were acquitted of the criminal cases even before filling the Attestation Form. We are of the opinion

that these 12 candidates stand on a different footing, and the appellants cannot claim parity with them.

28. As regards the remaining 7 candidates who were reinstated, the learned ASG would submit that there were orders of the High Courts directing reinstatement. He would further submit that in just few other cases, the authorities examined the claims of candidates on a case-to-case basis and having found that the allegations were trivial, they were taken back into service. In so far as the appellants are concerned, no such similarity existed, they signed the verification suppressing pending criminal cases and that there were concurrent findings of the Single Judge as well as the Division Bench of the High Court dismissing the Writ Petitions filed by the appellants. It is therefore submitted that the appellants can neither allege discrimination nor seek parity.

29. Having considered the claims of the appellants from all perspectives, we are of the opinion that there is no error in the conclusions of either the Single Judge or the Division Bench. The judgments are also in consonance with the principles laid down in *Avtar Singh*.

30. For the reasons stated above, we see no reason to interfere with the judgment and order passed by the High Court. The Civil Appeals are accordingly dismissed. There shall be no order as to costs.

……....J.
[**PAMIDIGHANTAM SRI NARASIMHA**]

……....J.
[**ALOK ARADHE**]

NEW DELHI;
AUGUST 18, 2026.