

**CWP-20406-2025**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

134**CWP-20406-2025****Date of Decision : July 21, 2025****BHARAT UDHEY SINGH****-PETITIONER****V/S****THE UNION TERRITORY OF CHANDIGARH AND OTHERS****-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. Aman Bahri, Addl. Standing Counsel, with
Mr. Sahil Garg, Jr. Panel Counsel
for the respondents- U.T. Chandigarh.

KULDEEP TIWARI, J.

1. The instant writ petition encloses challenge to the legality of the order dated 08.05.2025 (Annexure P-2), whereby, the Central Administrative Tribunal, Chandigarh Bench, has dismissed the petitioner's Original Application instituted against the administrative order dated 12.04.2024, wherethrough, his candidature for the post of Constable in Chandigarh Police was cancelled.

2. The impugned orders have been assailed primarily on the following two grounds:- (i) Although the petitioner earned acquittal in a criminal case long before the commencement of the recruitment drive for the post of Constable, he was nonetheless wrongly declared unfit for

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appointment as Constable; (ii) There was no concealment on the part of the petitioner that could have furnished the Screening Committee with any reason to deny him appointment as Constable.

3. Before embarking upon the process of evaluating the validity of the impugned orders and penning down a verdict upon the instant writ petition, it is deemed apt to initially capture a concise and compendious backdrop of the case at hand.

FACTUAL MATRIX

4. The competent department of the respondent(s)-U.T. Chandigarh issued an advertisement/recruitment notice dated 20.05.2023, thereby inviting online applications for direct recruitment of 700 Temporary posts of Constable (Executive) in the Chandigarh Police. The petitioner, having fulfilled the requisite eligibility standards, filled out the online application form and successfully cleared the written test. Thereafter, he was called for the physical efficiency test and physical measurement test, wherein also, he remained successful. Finally, a category wise final waiting list was prepared by the respondent(s) department, which was published on the official website of the Chandigarh Police on 18.10.2023. The petitioner was placed at Sr. No.05 in the Waiting List under “Unreserved Category”. The document verification and medical examination of all the successful candidates, including the petitioner, was conducted on 08.12.2023. Thereafter, he was called to complete the other formalities like document checking and medical examination at Police Headquarters, Sector 9, Chandigarh. After completion of the necessary formalities, the Chandigarh

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Police issued the list of selected candidates, however, the petitioner's name did not find appear therein. Rather, he was served with the order dated 12.04.2024, whereby, his candidature for the post of Constable was cancelled.

5. The bedrock for drawing of the order dated 12.04.2024 stemmed from the petitioner's past criminal antecedents vis-a-vis involvement in criminal case FIR No.398 dated 13.11.2021, under Section 376(2)(f)(3) IPC and under Section 6 of POCSO Act. The past record of the petitioner coaxed the Screening Committee to, while considering the petitioner's case in its meeting held on 15.02.2024, make recommendation that he is not fit for appointment as Constable in the discipline force, as the said post requires persons of good character and suitable for such service.

6. The order dated 12.04.2024 caused pain to the petitioner and propelled him to challenge the same by filing Original Application No.60/446/2024 before the Central Administrative Tribunal. However, he remained unsuccessful, as his Original Application was dismissed vide order dated 08.05.2025. The Central Administrative Tribunal, while taking into account the fact that he did not disclose full information in his form regarding his involvement in a criminal case, though he was ultimately acquitted, held that this omission does not entitle him to seek appointment as a matter of right. Moreover, the right of the employer to consider suitability of a candidate was held to be one of the important factors.

7. Fetching grievance from dismissal of his Original Application, the petitioner has now approached this Court for redressal of his grievance.



SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

8. The learned counsel for the petitioner, in his beseeching the yearned for relief, made twofold submissions. Firstly, he draws attention of this Court towards the order of acquittal drawn by the trial Court in the criminal case registered against the petitioner, and submits that, since the prosecution had failed to prove its case beyond reasonable doubt, hence the petitioner was acquitted by being given the benefit of doubt. The petitioner was acquitted well before the initiation of the recruitment drive for the post of Constable, thus his involvement in the criminal case does not, in any way, have any impact on his character or integrity.

9. He places reliance upon the decision of Hon'ble the Supreme Court in ***“Deputy Inspector General of Police & Anr. V. S. Samuthiram”, 2013(1) S.C.T. 115***, to submit that, when an accused is acquitted after full consideration of the prosecution evidence and the prosecution had miserably failed to prove the charges levelled against the accused, it can be held that he has earned honourable acquittal. The relied upon paragraph of the decision (supra) is reproduced hereunder:-

“24. The meaning of the expression “honourable acquittal” came up for consideration before this Court in RBI v. Bhopal Singh Panchal. In that case, this Court has considered the impact of Regulation 46(4) dealing with honourable acquittal by a criminal court on the disciplinary proceedings. In that context, this Court held that the mere acquittal does not entitle an employee to reinstatement in service, the acquittal, it was held, has to be honourable. The expressions “honourable acquittal”, “acquitted of blame”, “fully exonerated” are unknown to the Code of Criminal



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Procedure or the Penal Code, which are coined by judicial pronouncements. It is difficult to define precisely what is meant by the expression “honourably acquitted”. When the accused is acquitted after full consideration of prosecution evidence and that the prosecution had miserably failed to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted.” (Emphasis supplied)

10. He further submits that, the above aspect again came to considered by Hon’ble the Supreme Court in **“Joginder Singh Vs. Union Territory of Chandigarh and Others”, 2015(1) SCT 87**, where the petitioner/candidate was found to be involved in a criminal case involving offence punishable under Section 307 IPC, and he was ultimately acquitted of the charges levelled against him. In **Joginder Singh’s** case also, Hon’ble the Supreme Court, after evaluating the judgment passed by the trial Court in criminal trial, found the acquittal to be honourable acquittal and held the petitioner/candidate entitled for appointment. The relied upon paragraph of the above case is reproduced hereunder:-

“20. It is the submission made on behalf of the respondents that the above referred rules lay down the criteria that clean antecedents and good moral character is indispensable for a candidate to even fall within the zone of consideration. However, in the present case, we have observed that the appellant was involved in a family feud and the FIR came to be lodged against him on 14.04.1998, after he had applied for the post of Constable. Further, he had been acquitted on 04.10.1999, i.e. much before he was called for the interview/medical examination/written test. Further, as per Rule 12.18, emphasis has been laid on the freedom and otherwise from conviction. An interpretation of the Rules referred to supra clearly indicate that an acquittal in a criminal case will qualify him for appointment to the post of Police Constable, as the appellant had



successfully qualified the other requisites required for his selection. Thus, as rightly pointed out by the Trial Court that as the prosecution has failed to prove the charges against the appellant by adducing cogent evidence, therefore, the Police authorities cannot be allowed to sit in judgment over the findings recorded by the Sessions Court in its judgment, wherein the appellant has been honourably acquitted. Denying him the appointment to the post of a Constable is like a vicarious punishment, which is not permissible in law, therefore, the impugned judgment and order passed by the High Court is vitiated in law and liable to be set aside.”

11. He also places heavy reliance upon the verdict rendered in ***“Mohammed Imran Vs. State of Maharashtra and Ors.”, 2018 SCC Online SC 1943***, to submit that, in case, a person acquitted of the charges under Sections 363, 366, 34 IPC can be found fit for being appointed to the high post of judicial officer, then the petitioner can also be appointed, that too, only as a Constable.

12. The second submission made by the learned counsel for the petitioner is that, there was no concealment on the part of the petitioner and he earned acquittal well before launching of the recruitment drive.

13. While referring to the ratio of law laid down by Hon’ble the Supreme Court in ***“Avtar Singh Vs. Union of India and Ors.”, 2016 SCC Online SC 726***, he submits that, even if some of the information is not disclosed, the employer can condone such non disclosure if the suppression is immaterial. In the present case, the petitioner had already disclosed, in his form, regarding his involvement in a criminal case by making mention of the FIR Number.

14. In order to lend vigour to his submissions, the learned counsel

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for the petitioner also places reliance upon the verdicts rendered in *“Ravindra Kumar Vs. State of U.P. and Ors.”*, 2024(2) SCC (L&S) 87, and, *“Municipal Committee, Jaitu Vs. Gulab Singh”*, 2003(3) SCT 1011.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS

15. The submissions made by the learned counsel for the petitioners are vociferously opposed by the learned counsel for the respondents, who is present in Court on receipt of advance notice. By drawing the attention of this Court towards the petitioner’s order of acquittal, he submits that the petitioner did not earn an honorable acquittal, rather his acquittal was anchored merely upon the prosecutrix turning hostile while stepping into the witness box. The trial Court has, with a heavy heart, granted him the benefit of doubt and drew the order of acquittal.

16. Furthermore, he submits that, it was the duty of the candidates, who participated in the selection process, to furnish the true and correct information in respect of their character and antecedents. However, the petitioner had, in his application form, except mentioning the FIR Number, did not disclose the complete facts. Therefore, he is guilty of concealment.

17. By placing reliance upon the verdict rendered by Hon’ble the Supreme Court in *“The State of Madhya Pradesh and Others Vs. Bhupendra Yadav”*, 2023(3) Law Herald (SC) 2557, he submits that, the standard for assessing the suitability of a candidate is to be measured by the employer based on various factors, including the nature of post and nature of duties. There cannot be any hard and fast rule laid down to bind the



employer for assessing the suitability.

18. He also draws the attention of this Court towards Rules 12.12, 12.14 and 12.18 of the Punjab Police Rules, 1934 (hereinafter referred to as the 'Rules of 1934'), to submit that, duty is cast upon the employer to take great care in selection of men of a type suitable for police service. Therefore, while discharging its duty, the impugned order has rightly been drawn by the employer, which has been rightly upheld by the Central Administrative Tribunal.

REASONS FOR DISMISSING THE INSTANT WRIT PETITION

19. This Court has considered the detailed submissions made by the learned counsels for the contesting litigants and also made a studied survey of the impugned order(s).

20. There is no dispute with regard to the fact that, the employer is well within its right to consider the suitability of a candidate to be appointed and no strict yardstick can be laid down to guide the employer for assessing the suitability. It is, in fact, the nature of duties and nature of post, besides other factors, which is required to be kept in consideration while assessing the fitness of a candidate for appointment.

21. In paragraph 30 of the verdict drawn in *Avtar Singh's* case (supra), the three Judge Bench of Hon'ble the Supreme Court has summarized various principles to evaluate the suitability of a candidate for appointment. Paragraph 30 is reproduced hereunder:-

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



(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.

(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.

(3) The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

(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 recourse appropriate to the case may be adopted : -

(a) 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.

(b) Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

(c) 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.

(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.

(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.

(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.

(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.

(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.

(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.

(11) Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.”

22. The above principles were subsequently followed by Hon’ble the Supreme Court in **Bhupendra Yadav’s** case (supra). It was held that,

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the suitability of a candidate is to be measured by the employer based on various factors and it is for the employer to see the effect of suppression over suitability etc. A candidate making a false declaration or suppressing material information or furnishing half-baked information, which may not be the whole truth, can be visited with adverse consequences. The relevant paragraphs of the verdict drawn in above case are reproduced hereunder:-

“8. The standard for assessing the suitability of a candidate is measured by the employer based on various factors including the nature of the post, nature of duties, effect of suppression over suitability, etc. However, no hard and fast rule can be laid down in this regard [Refer, Pawan Kumar (supra)]. It must be emphasised that a candidate who proposes to participate in a selection process, must furnish true and correct information in respect of his character and antecedents in the affidavit/verification form required to be filled up during the selection process or after induction in the service, as the case may be. A candidate who makes a false declaration or suppresses material information or furnishes half-baked information which may not be the whole truth, can be visited with adverse consequences to the point of his exclusion even though he may have qualified in the entire selection process, based on the said falsity/suppression.

10. 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.

16. We are, however, unable to concur with the aforesaid view. Even though the respondent had truthfully declared that he was involved in a criminal case which was decided by the trial Court vide judgement 26th October, 2015, on perusing the facts of the said case as noted hereinabove and the observations made in the judgement, quite clearly, this was not a case of clean acquittal. It is evident from the facts narrated that after the chargesheet was filed, the respondent had arrived at a compromise with the complainant and filed an application under Section 320 of the CrPC, based on which the offence under Section 341 IPC was compounded. As for the remaining offences for which the respondent was charged i.e. Section 354(D) of the IPC and Section 11 (D)/12 of the POCSO Act, they were non compoundable and therefore, the matter was taken to trial. The respondent was acquitted by the trial Court primarily on account of the fact that the complainant did not support the case set up by the prosecution and the other prosecution witnesses had turned hostile. In such circumstances, the respondent's plea that he had been given a clean acquittal in the criminal case, is found to be devoid of merits."

23. In the light of the above legal principles, this Court has examined the issue arising in this writ petition. The present petitioner was subjected to criminal trial in respect of FIR No.398 dated 13.11.2021, under Section 376(2)(f)(3) IPC and under Section 6 of POCSO Act. Although he earned acquittal, perusal of the order of acquittal dated 21.10.2022 reveals that, there were serious allegations against him to the effect that, he being a tuition teacher used to visit the house of the

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prosecutrix (aged about 15 years) and on finding opportunity, he committed sexual assault upon her. It emerges from perusal of the order of acquittal that, in their statements recorded under Sections 161 and 164 Cr.P.C., the prosecutrix and her mother supported the prosecution's case, however, when they stepped into witness box, they resiled from their statements, which resulted in acquittal of the petitioner. Although the learned trial Court acquitted the petitioner by giving him the benefit of doubt, the hereinafter extracted portion of the order of acquittal vividly displays that, such acquittal was ordered by the trial Court with a heavy heart:-

“21.It is quite unfortunate that an offence concerning committing of rape and that upon the prosecutrix is going to unpunished. But for such a said eventuality the prosecutrix is responsible through their own acts of commission and omission resulting in the court declaring her as witnesses unworthy of trust.....

22. The Court has thus no option to hold the accused not guilty. The prosecution has miserably failed to establish the guilt of the accused, beyond reasonable doubt, qua the charges levelled against him. Thus, the benefit of doubt, ought to be extended to the accused.....”

24. It is also relevant to examine the Rules of 1934, which deal with the issue in hand. Rule 12.14 imposes obligation upon the employer to take great care in selection of men of a type suitable for police service from candidates presenting themselves for enrollment. The relevant Rules 12.14 and 12.18 are reproduced hereunder:-

“Rule 12.14 Recruits-Status of.-



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(1) Recruits shall be of good character and great care shall be taken in selection men of a type suitable for police service from candidates presenting themselves for enrolment.

X

X

X

12.18 Recruits verification of character of.

(1) The character and suitability for enrolment of every recruit shall be ascertained by a reference to the lambardar of the village or ward member of the town of which the recruit is a resident. A search slip shall also be sent to the Finger Print Bureau in order to establish his freedom or otherwise from conviction. Such lambardar or ward member shall, if the recruit is of good character, furnish a certificate to that effect which shall be verified and attested by the sub-inspector in charge of the local police station. The Sub-Inspector shall be complete the information required by form 12.18(I)”

25. In the present case, the Screening Committee duly considered the petitioner's case and found that, he did not disclose the full information in his application form inasmuch as he merely mentioned the FIR Number, however, when he was called for document verification, then it came to light that he was tried for a heinous crime. It was well within the domain of the employer to evaluate the suitability of the petitioner for appointment as Constable. Since the petitioner deliberately provided partial information with regard to his criminal antecedents and concealed material facts, hence the order passed by the competent authority is well within the four corners of law and requires no interference. Even the order drawn by the Central Administrative Tribunal also does not suffer from any illegality or perversity, hence requires no interference.

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26. Insofar as the judgments relied upon by the learned counsel for the petitioner are concerned, this Court has examined the same and is of the view that, they have been passed based on their own peculiar facts and circumstances.

27. In **Joginder Singh's** case (supra), Hon'ble the Supreme Court considered the totality of circumstances and only thereupon found the credentials of the petitioner suitable for appointment. In a similar fashion, in **Mohammed Imran's** case (supra), Hon'ble the Supreme Court called for a confidential report of the character verification and after getting satisfied regarding credentials of the petitioner, passed the order in his favour. The relevant paragraph of **Mohammed Imran's** verdict is reproduced hereunder:-

“10. In the present proceedings, on 23.03.2018, this Court had called for a confidential report of the character verification as also the antecedents of the appellant as on this date. The report received reveals that except for the criminal case under reference in which he has been acquitted, the appellant has a clean record and there is no adverse material against him to deny him the fruits of his academic labour in a competitive selection for the post of a judicial officer. In our opinion, no reasonable person on the basis of the materials placed before us can come to the conclusion that the antecedents and character of the appellant are such that he is unfit to be appointed as a judicial officer. An alleged single misadventure or misdemeanour of the present nature, if it can be considered to be so, cannot be sufficient to deny appointment to the appellant when he has on all other aspects and parameters been found to be fit for appointment. The Law is well settled in this regard in Avtar Singh v. Union of India and others, 2016 (3) S.C.T. 672. If empanelment creates no right

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to appointment, equally there can be no arbitrary denial of appointment after empanelment.

Therefore, the judgments relied upon by the petitioner's counsel do not come to his rescue.

FINAL ORDER

28. In summa, this Court does not find any merit in the instant writ petition and the same is accordingly **dismissed**. The impugned orders are upheld.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 21, 2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No