



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

THURSDAY, THE 3rd DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 2790/2025

Between:

1.KAILA SANJEEVA RAO, S/O BALAIAH, AGED ABOUT 37 YEARS. C/O JAAPURAM, KODURU, KODURU, KRISHNA DISTRICT, ANDHRA PRADESH-521328.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI AMARAVATHI GUNTUR DISTRICT.

2.THE STATE LEVEL POLICE RECRUITMENT BOARD, STATE OF ANDHRA PRADESH REP BY ITS CHAIRMAN MANGALAGIRI GUNTUR DISTRICT.

3.THE COMMISSIONER OF POLICE, VIJAYAWADA, KRISHNA DISTRICT.

4.THE DIRECTOR GENERAL OF POLICE, MANGALAGIRI, GUNTUR DISTRICT, ANDHRA PRADESH.

5.THE DEPUTY INSPECTOR GENERAL OF POLICE, DGP OFFICE, MANGALAGIRI, GUNTUR DISTRICT.

6.THE INSPECTOR GENERAL OF POLICE, TRAINING DGP OFFICE, MANGALAGIRI, GUNTUR DISTRICT.

7.THE SUPERINTENDENT OF POLICE, WEST GODAVARI,
WEST GODAVARI DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toPleased to issue a writ or direction particularly one in the nature of Writ of Mandamus action of the respondents in rejecting the petitioner candidature for the post of SCT PC(CIVIL)(MEN)(21) West Godavari District consequently not sending the petitioner for induction training despite of petitioner acquitted from all the criminal proceedings against him is illegal, arbitrary and violation of article 14,15,19 and 21 of the constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and consequently direct the respondents to send the petitioner to induction training simultaneously without any delay and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to direct the respondents to consider the representation made by the petitioner dated 25.11.2024 forthwith without any delay pending disposal of the above writ petition and to pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to postulist the W.P. No: 2790 of 2025and amend the Order dated 05.02.2025 for being mentioned i.e Respondent no.2 to consider the representation 25.11.2024 made by the petitioner instead of the Respondent no.5-7 to consider the representation 25.11.2024 made by the petitioner and pass

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to issue a writ or direction particularly one in the nature of Writ of Mandamus action of the respondents in rejecting the petitioner candidature for the post of SCT PC(CIVIL) (MEN) (21) West Godavari District consequently not sending the petitioner for induction training despite of petitioner acquitted from all the criminal proceedings against him is illegal, arbitrary and violation of article 14,15,19 & 21 of the constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and consequently direct the respondents to send the petitioner to induction training simultaneously without any delay and to pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to grant leave for filing of the Counter Affidavit in W.P.No.2790 of 2025 and pass

Counsel for the Petitioner:

1.G V SHIVAJI

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**WRIT PETITION No.2790 of 2025****ORDER:**

1. The present Writ Petition is filed questioning the rejection of candidature of Petitioner for induction training to SCT PC (Civil) and to declare the same as illegal and arbitrary.

2. The facts in brief are as follows;

A recruitment notification was issued by the State Level Police Recruitment Board for recruitment to the post of Police Constables in terms of Andhra Pradesh Police (Stipendiary Cadet Trainee) Rules, 1999 on 30.12.2008. The Petitioner had applied for the post of SCT PC (Civil) (Men) and was allotted Registration No.740784. The Petitioner had successfully qualified in the written test and physical test and was provisionally selected for the said post.

3. While so, a criminal case was registered against the Petitioner in Cr. No.92 of 2010 on the file of Avanigadda P.S., which was registered for the offence punishable under Sections 341 and 323 R/w Section 34 IPC, which was registered as C.C.No.60 of 2010 before the Special Judicial Magistrate of First Class, Avanigadda and the same was settled before Lok Adalat on 11.12.2010. On the basis of involvement

in the criminal case, the provisional selection of the Petitioner was rejected on 25.05.2011. Hence, the Writ Petition is filed.

4. In the Counter-Affidavit filed by the Respondents, it was stated that in the recruitment notification, it was clearly mentioned at Paragraphs 21 and 22 that no person shall be eligible for appointment unless he satisfies the selection authority as well as the appointing authority that his character and antecedents qualify him for appointment. It was also stated that suppression of material facts would disqualify the candidate from being considered for appointment.

5. It was pleaded that the Petitioner was involved in Cr.No.92 of 2010 on the file of Avanigadda P.S., registered for the offence punishable under Section 341 and 323 IPC which was numbered as C.C.No.60 of 2010 before Special Judicial Magistrate of First Class, Avanigadda. It was stated that after a lapse of 14 years, the petitioner gave representation for appointment. Further, reliance was placed on a Judgment of the Hon'ble Supreme Court in ***Rajasthan Rajya Vidyut Prasaran Nigam Ltd. Vs Anil Kanwariya***¹ to justify the rejection of the petitioner's candidature.

¹ AIRONLINE 2021 SC 728

6. Heard Sri G.V. Shivaji, learned counsel for the Petitioner and Sri S. Raju, learned Assistant Government Pleader for Services-I appearing for the Respondents.

7. The recruitment notification in question was issued on 30.12.2008 and the criminal case i.e., Cr.No.92 of 2010 on the file of Avanigadda P.S., was registered for the offence punishable under Sections 341 and 323 R/w Section 34 IPC against the Petitioner. The same was numbered as C.C.No.60 of 2010 before the Special Judicial Magistrate of First Class, Avanigadda. The said criminal case settled before Lok Adalat on 11.12.2010. On account of involvement in the criminal case, the provisional selection of the Petitioner was cancelled on 25.5.2011.

8. On a reference to resolve conflicting opinions regarding the issues of suppression of criminal case, a three-Judge Bench of Hon'ble Supreme Court in ***Avtar Singh v. Union of India & Ors.***,² summarised their conclusion on what factors to be taken into consideration before rejecting the candidature of an individual for suppression of criminal case. The relevant Paragraphs of the Judgment with emphasis at appropriate places are extracted below;

² 2016 (8) SCC 471

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.”

9. In a fact scenario which is closer to the facts of this case i.e., **Commissioner of Police & Ors., Vs Sandeep Kumar**³, the Hon'ble Supreme Court upheld the Judgment of Delhi High Court setting aside the cancellation of selection of the Petitioner therein for non-disclosure of involvement in criminal case for offenses under Section 354/34 IPC, as the said case was later compromised. The relevant portion of the Judgment is extracted below with emphasis at appropriate places.

“The respondent qualified in all the tests for selection to the post of temporary Head Constable (Ministerial). On 03.04.2001 he filled the attestation form wherein for the first time he disclosed that he had been involved in a criminal case with his tenant which, later on, had been compromised in 1998 and he had been acquitted.

On 02.08.2001 a show cause notice was issued to him asking the respondent to show cause why his candidature for the post should not be cancelled because he had concealed the fact of his involvement in the aforesaid criminal case and had made a wrong statement in his

³ (2011) 4 SCC 644

application form. The respondent submitted his reply on 17.08.2001 and an additional reply but the authorities were not satisfied with the same and on 29.05.2003 cancelled his candidature.

The respondent filed a petition before the Central Administrative Tribunal which was dismissed on 13.02.2004. Against that order the respondent filed a writ petition which has been allowed by the Delhi High Court and hence this appeal.”

.....

“We respectfully agree with the Delhi High Court that the cancellation of his candidature was illegal, but we wish to give our own opinion in the matter.

When the incident happened the respondent must have been about 20 years of age. At that age young people often commit indiscretions, and such indiscretions can often been condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Hence, our approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives.

In this connection, we may refer to the character 'Jean Valjean' in Victor Hugo's novel 'Les Miserables', in which for committing a minor offence of stealing a loaf of bread for his hungry family Jean Valjean was branded as a thief for his

whole life. The modern approach should be to reform a person instead of branding him as a criminal all his life.

.....

It is true that in the application form the respondent did not mention that he was involved in a criminal case under Section 325/34 IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified.

At any event, it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter.

For the reasons above given, this Appeal has no force and it is dismissed. No costs.”

10. In ***Pawan Kumar v. Union of India***⁴, where the crime was registered after submission of application ended in acquittal. After referring to the ***Avatar Singh*** Judgment referred supra, it was held that by a mere stroke of pen, the employee cannot be dismissed from service. Relevant Paragraphs are extracted below;

13. What emerges from the exposition as laid down by this Court is that by mere suppression of material/false information regardless of the fact whether there is a conviction or acquittal has been recorded, the employee/recruit is not to be discharged/terminated axiomatically from service just by a stroke of pen. At the same time, the effect of suppression of material/false information involving in a criminal case, if any, is left for the

⁴ (2023) 12 SCC 317

employer to consider all the relevant facts and circumstances available as to antecedents and keeping in view the objective criteria and the relevant service rules into consideration, while taking appropriate decision regarding continuance/suitability of the employee into service. What has been noticed by this Court is that mere suppression of material/false information in a given case does not mean that the employer can arbitrarily discharge/terminate the employee from service.

17. *One distinguishing factor, as noticed above, is that the criminal complaint/FIR in the present case was registered post submission of the application form. We have also taken into account the nature of the allegations made in the criminal case and that the matter was of trivial nature not involving moral turpitude. Further, the proceedings had ended in a clean acquittal. As is clear from para 38 in Avtar Singh, all matters cannot be put in a straitjacket and a degree of flexibility and discretion vests with the authorities, must be exercised with care and caution taking all the facts and circumstances into consideration, including the nature and type of lapse.*

19. *The criminal case indeed was of trivial nature and the nature of post and nature of duties to be discharged by the recruit has never been looked into by the competent authority while examining the overall suitability of the incumbent keeping in view Rule 52 of the 1987 RPF Rules to become a member of the force. Taking into consideration the exposition expressed by this Court in Avtar Singh in our considered view the order of discharge passed by the competent authority dated 24-4-2015 is not sustainable and in sequel thereto the judgment passed by the Division Bench of the High Court of Delhi does not hold good and deserves to be set aside.*

11. In ***Gajula Thirupathi Vs The Telangana State Level Police***⁵, the selection of Petitioner therein was cancelled on account of a criminal case registered for offences under Sections 417, 420 and 506 IPC though said fact was disclosed in the application. The allegation was that the Petitioner in the said case was in a relationship with the complainant for over 4 years and promised to marry, but married another woman. *The said case was eventually settled in Lok Adalat.* On the basis of involvement in a criminal case, the selection of Petitioner therein was rejected. The Hon'ble Supreme Court held the decision of the screening committee to be unsustainable. The relevant portion of the Judgement is extracted below;

“We are, therefore, of the view that the decision of the Screening Committee to deny appointment to the petitioner is arbitrary and was justifiably set aside by the learned Single Judge of the High Court. In our view, the Division Bench of the High Court fell in error in setting aside the order of the learned Single Judge. Consequently, this appeal is allowed.”

26. The impugned order of the Division Bench of the High Court is set aside. The order passed by the learned Single Judge is restored. There is no order as to costs.”

⁵CIVIL APPEAL No.8059 OF 2026, dated 21.05.2026

12. In ***Ravindra Kumar v. State of U.P.***⁶, an aspirant for the post of police constable was embroiled in a criminal case registered for offence under Sections 324, 352 and 504 IPC and suppressed this aspect in affidavit to be furnished regarding involvement in criminal case. Though the petitioner therein was acquitted during the selection process, his selection was cancelled for non-disclosure. After analysing the Judgements on this aspect, it was held that the nature of criminal, nature of acquittal, timing etc., have to be taken into consideration.

“The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgement of acquittal; the nature of the query in the application/verification form; the contents of the character verification reports; the socio economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of the cancellation/termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered.”

13. The above case law requires the authorities to examine the nature of criminal cases, nature of acquittal and the impact on the nature of employment. A mechanical order of rejection without

⁶ 2024 INSC 131

analyzing the above aspects was deprecated. In the present case, the criminal case was after the application for the recruitment notification and the said case was settled before Lok Adalat before the cancellation of provisional selection. The offence was a trivial one and therefore was compounded.

14. The next aspect is the delay of 12-13 years in approaching the Court. This delay is only to the detriment of the Petitioner and is not to the advantage of the Department. As no third party rights are being effected, the Respondent authorities can re-examine the case of Petitioner for appointment.

15. For the aforesaid reasons, the Writ Petition is disposed of, with following directions;

(i) The Respondent authorities shall re-examine the issue of selection of the Petitioner to the post of Police Constable in the light of the Judgments referred supra and communicate appropriate decision with reasons to the Petitioner.

(ii) Considering the time gap, the Respondents are at liberty to seek for fresh antecedent's report of the Petitioner.

(iii) In the event of selection of Petitioner, the Respondents are at liberty to fix seniority and pay with effect from the date of appointment only.

(iv) The time for compliance of above directions is three (03) months from the date of receipt of the copy of the order.

(v) No order as to costs

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: .09.2026

HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.2790 of 2025

Date: .09.2026

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