



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13263 of 2025
Date of Decision: 18.07.2025
....Petitioner

Surender

vs.

State of Haryana and others**Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajat Mor, Advocate for the petitioner
Mr. Raman Sharma, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 16.04.2025 (Annexure P-11) whereby respondent has rejected his claim for the post of Constable.
2. Written statement by way of affidavit dated 15.07.2025 of Sh. Rajiv Deswal, Commandant, 2nd Battalion, HAP, MBN filed on behalf of respondents is taken on record.
3. This is third round of litigation. This is a classical case of misuse of power and abuse of process of law. The officers dealing with the matter despite repeated orders of this Court have shown reprehensible attitude just to stick to their opinion. It shows that they have scant regard for the orders of Constitutional Courts.

4. The petitioner pursuant to advertisement No. 4/2020 dated 30.12.2020 applied for the post of Constable. The last date for filing



applications was 10.01.2021. Before the said date, he filed application. He was issued admit card. He participated in the selection process. During the pendency of selection process, an FIR No. 170 dated 23.08.2021, under Sections 420/467/468/120-B of IPC and Section 66/66C of IT Act came to be registered against him at Police Station City-2, Khanna, Police District Kanna, Ludhiana. The Staff Selection Commission vide recommendations dated 05.03.2023 and 11.08.2023 recommended candidates which included petitioner. The respondent initiated process of verification of antecedents. The petitioner was called upon to file verification-cum attestation form which he filed in August'2023. The Competent Authority sought report from jurisdictional authority in October'2023. The jurisdictional authority submitted report dated 11.12.2023 disclosing that one FIR is pending against the petitioner. The authority conducting verification did not think it appropriate to ascertain actual status of FIR and mechanically informed that FIR is pending against the petitioner. The Investigating Officer of the aforesaid FIR had already filed supplementary challan dated 27.12.2022 declaring the petitioner innocent. The Trial Court vide order dated 26.02.2024 discharged the petitioner. Unfortunately, the State, on one hand filed report declaring him innocent and on the other hand, after order of Trial Court filed revision which is still pending before District Court, Ludhiana.

5. The petitioner preferred CWP No. 3531 of 2024 before this Court seeking direction to respondent to issue him appointment letter. This Court vide order dated 20.02.2024 disposed of aforesaid petition with a direction to respondent to consider case of the petitioner in accordance with law. The respondent vide order dated 17.09.2024 rejected claim of the petitioner. He again preferred CWP No. 5016 of 2025 before this Court



which came to be disposed of vide order dated 21.02.2025. The relevant extracts of order dated 21.02.2025 read as:-

“3. Mr. Rajat Mor, Advocate submits that petitioner at every stage made true and correct disclosure. As per Rule 12.18 of Punjab Police Rules, 1934 (as applicable to Haryana), the petitioner could be denied appointment had he not disclosed factum of pending FIR in the verification-cum-attestation form. The petitioner had not concealed any material fact. He was falsely implicated and cannot be denied appointment.

*4. Ms. Rajni Gupta, Addl. AG, Haryana, who on advance notice is present in Court, submits that Competent Authority would re-consider his claim in the light of judgment of Hon'ble Supreme Court in **Ravindra Kumar vs. State of U.P.**, (2024) 5 SCC 264.*

5. In the wake of statement of State Counsel, instant petition stands disposed of with a direction to respondents to consider claim of petitioner in the light of afore-cited judgment within two months from today.”

6. The respondent has passed impugned order dated 16.04.2025 whereby claim of petitioner has been rejected on the ground that matter has been examined by Assistant District Attorney and found that case of petitioner is entirely different from the case of **Ravindra Kumar (Supra)**.

Relevant extracts of the impugned order reads as:-

“10. Now, as per opinion of ADA, 2nd Bn. HAP, Madhuban, both the cases are totally different Surender was discharged by the Trial court on dated 26.02.2024 but the Revision is still pending in the Additional Session Judge, Ludhiana Court which is fixed for 24.04.2025 for arguments.

11. It is pertinent to mention here that as per the instructions issued by the Director General of Haryana, Panchkula's office memo No. 12034-74/E(II)-1 dated 27.9.2024, that the status of a criminal case pending against the candidate i.e. 'withdrawn by the State Government' of



'cancelled' or 'sent untraced' or 'acquittal' has to be considered only at the time of verification of antecedents and character of the candidate and not thereafter.

Keeping in view of above said circumstance and guidelines/instructions the above said candidate can not be considered for appointment. This is for your kind information and necessary action please."

7. Mr. Raman Sharma, Addl. A.G., Haryana defending the impugned order submits that judgment of ***Ravindra Kumar (Supra)*** is not applicable to instant case. The verification report received from jurisdictional Superintendent of Police discloses that FIR is pending against the petitioner. As per instructions dated 27.09.2024 issued by Director General of Police, status of criminal case has to be considered only at the time of verification of antecedents and character of a candidate and not thereafter.

8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. From the perusal of record, it is evident that this is third round of litigation. The respondent has endeavoured its best to deny post of Constable to the petitioner. The respondent vide order dated 21.02.2025 passed by this Court in CWP No. 5016 of 2025 was directed to consider petitioner's claim as per judgment of Hon'ble Supreme Court in ***Ravindra Kumar (Supra)***. The respondent in the impugned order has not independently examined applicability of aforesaid judgment whereas relied upon opinion of Assistant District Attorney. There was no direction to Assistant District Attorney to adjudicate the matter. By relying upon opinion of Assistant District Attorney, the Commandant has grossly violated orders



of this Court and attempted to deflect from his duty. Had respondent applied his mind, need of third round of litigation could have been obviated.

10. The respondent has relied upon instructions dated 27.09.2024 issued by Director General of Police, Panchkula. The advertisement in question was issued on 30.12.2020 and verification of antecedents was conducted in October'2023. It is surprising that respondent has considered instructions of September'2024 whereas verification was conducted in October'2023. The respondent was duty bound to consider applicable Rules instead of instructions of Director General of Police. In any case, the instructions are reiteration of mandate of Rules and do not seem to be contrary to Rules. The respondent has relied upon Rule 12.18 (3)(d) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short "PPR"). State counsel also, during the course of hearing, relied upon the said Rule. For the ready reference, Rule 12.18 of PPR is reproduced as below:-

"12.18. Verification of character and antecedents:-

(1) The appointing authority shall send the verification forms of candidates recommended for appointment by the Haryana Staff Selection Commission to the district police and Criminal Investigation Department with a copy to the District Magistrate for the verification of character and antecedents, as per Form No. 12.18 and Government instructions issued from time to time on the subject.

(2) The candidate shall disclose the fact regarding registration of FIR or criminal complaint against him for any offence under any law along-with the current status of such case in application form and verification cum attestation form irrespective of the final outcome of the case. Non-disclosure of such information shall lead to disqualification of the candidature out-rightly, solely on this ground:

Provided that where a candidate, who as a juvenile had earlier come in conflict with law and was dealt with under the



provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, shall not suffer any disqualification on account of non-disclosure of this fact either in application form or verification cum attestation form.

(3) *Where the appointing authority upon verification of character and antecedents of the candidate recommended for appointment comes to know that criminal proceedings against a candidate is in progress and the status of the case is reported to be either under investigation or challaned or cancelled or sent untraced or withdrawn or under trial or has either been convicted or acquitted or the candidate has preferred appeal against the order of the court; the appointing authority upon verification shall deal with the cases of candidates reported to have criminal cases registered against them and to the matters connected therewith as stated hereinafter;*

(a) *Where, a candidate is found to have been convicted for an offence involving moral turpitude or punishable with imprisonment for three years or more, shall not be considered for appointment.*

(b) *Where, charges have been framed against a candidate for offences involving moral turpitude or which is punishable with imprisonment for three years or more, shall not be considered for appointment.*

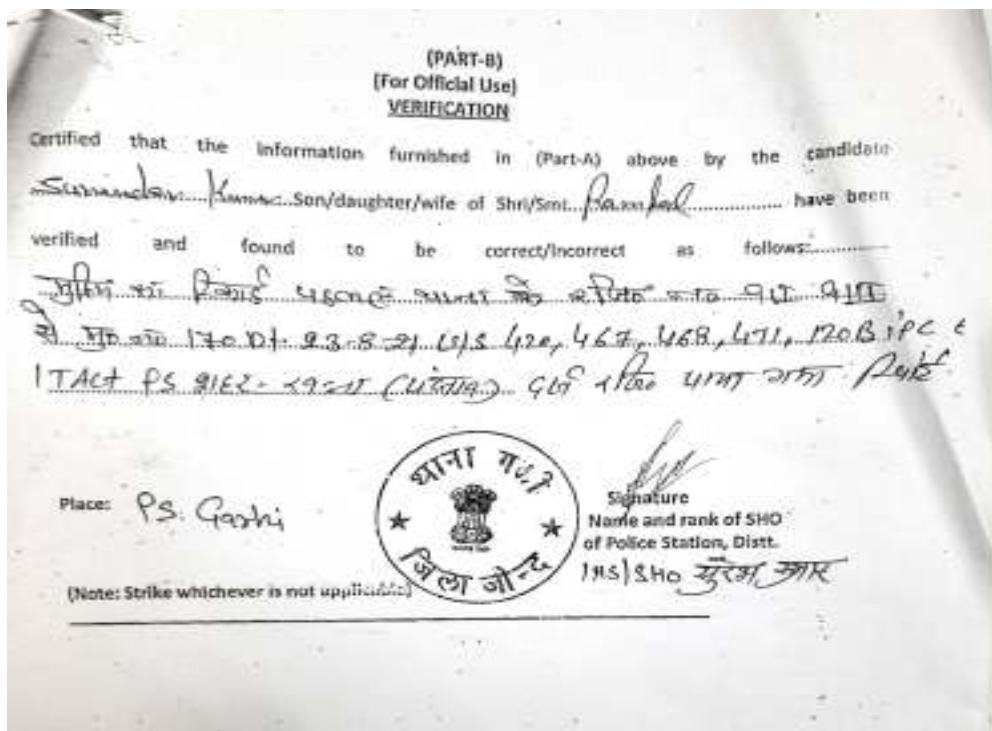
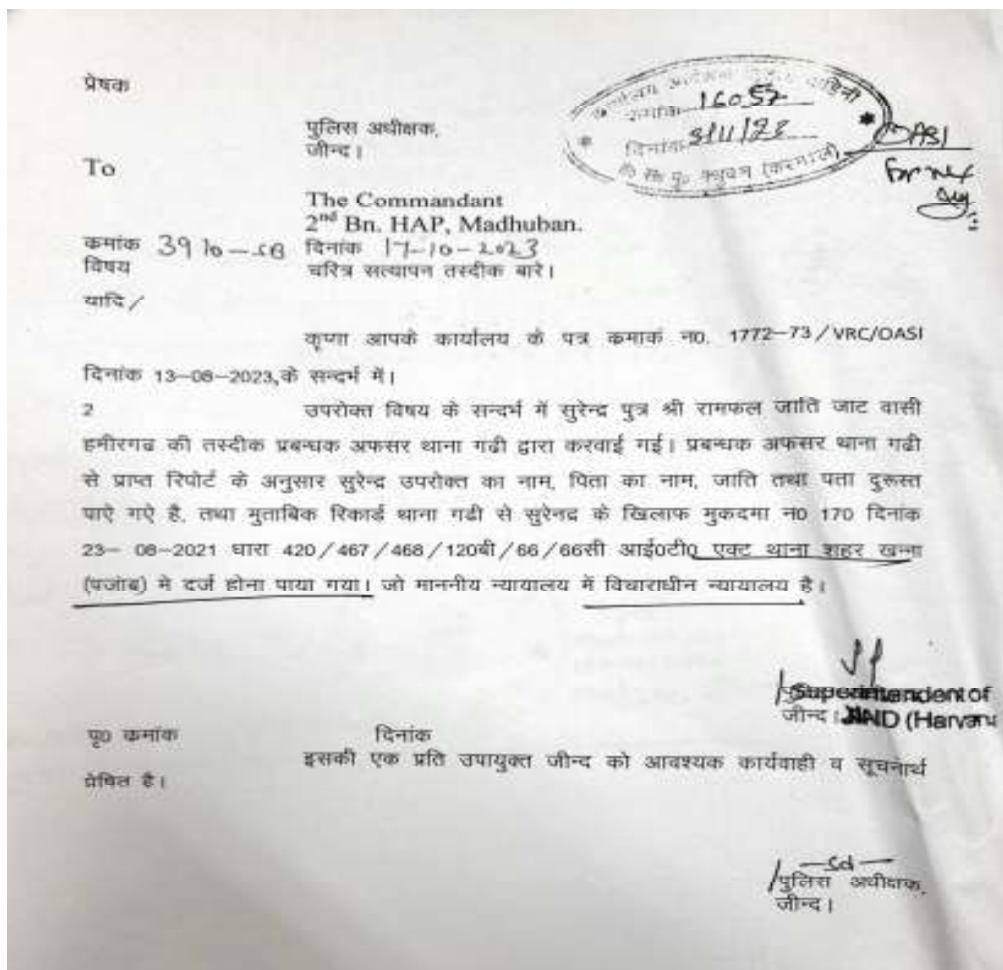
(c) *Where, the candidate has disclosed the fact regarding registration of criminal case as described under sub-rule (2) above, and where the status of any case at the time of verification of antecedents of the candidate by local Police is found to be either as 'withdrawn by the State Government' or 'cancelled' or 'sent untraced' or 'acquitted' for any offence, under any law, such candidate shall be considered for appointment in Haryana Police*

(d) *Where the cancellation report or an untraced report in a case against a candidate has been submitted by the investigating agency in the competent court of law, the appointment shall be offered only if approval/acceptance of*



such cancellation or untraced report has been accorded by the trial court."

11. The petitioner was not involved in any criminal case at the time of submitting application for the post of Constable. He, in his verification-cum-attestation form, duly disclosed the factum of FIR registered against him. The respondent sought report of jurisdictional Superintendent of Police. Scanned copy of report of SSP, Jind is reproduced as below:-





From the perusal of scanned copy of the report, it is evident that there was no application of mind and report was mechanically prepared. The Reporting Authority did not deem it appropriate to ascertain present status of the FIR which was mandatory as per Rule 12.18(3) of PPR. The petitioner himself had disclosed factum of FIR. The Reporting Authority was duty bound to ascertain present status because Rule 12.18 of PPR requires so and contemplates different situations arising out of FIR.

13. The petitioner submitted documents to Commandant who vide letter dated 20.11.2023 asked SSP, Khanna to clarify status of FIR. The said letter reads as under:-

*"From
To
The Commandant, 2nd Bn. HAP, Madhuban, Karnal, Haryana – 132037.
The Senior Superintendent of Police, Khanna, Punjab.
No.18338/OASI, dated 20.11.2023.*

Sub:- Information related to FIR No.170 dated 23.08.2021 U/S 420/467/468/120B of IPC 1860 and 66/66C of I.T act, Police Station-City-2/Khanna, District- Khanna, State- Punjab Registered against Surender S/o Sh. Ramphal R/o V.P.O- Hamirgarh, Tehsil- Narwana, District – Jind, State- Haryana.

Memo:

It is kindly submitted that Candidate Surender S/o Sh. Ramphal R/o V.P.O- Hamirgarh, Tehsil- Narwana, District - Jind, State- Haryana, has been selected for the post of Male Constable (General Duty) in Haryana Police Department against Advt. No. 04/2020, Cat. No. 01.

2. *A case FIR No. 170 dated 23.08.2021 U/S 420/467/468/120B: of IPC 1860 and 66/66C of IT act, Police Station-City-2/Khanna, District - Khanna, State- Punjab has been found registered against the above said candidate as per Police Verification received from the office of the*



Superintendent of Police, Jind in which the status of the above said case has been shown under trial in the Hon'ble Court .

3. *But, the above said Candidate has submitted a copy of letter No. 2081 CC- 1/dated 27.10.2022 in Punjabi Language in this office in which the Director, Bureau of Investigation, Punjab, Chandigarh, has directed to your office to discharge the above said candidate from the above said FIR No. 170 dated 23.08.2021 (copy attached).*

4. *It is, therefore, requested that kindly provide the information to this office in respect of the above said candidate whether the Charges have been framed against him or not? Kindly also provide the copy of FIR, Charge Sheet and Untraced Report in English Language of above said candidate to this office through the bearer of this letter namely CT Ramphal, No. 2/280 of this battalion, so that further necessary action could be take accordingly. Treat it most urgent.*

SHO City-2

For necessary action

Sd/-

Rajinder Kumar, HPS, DSP.

*For Commandant
2nd Bn. HAP, Madhuban”*

From the perusal of said letter, it is evident that Commandant was aware that Director BOI, Punjab has asked SSP to discharge petitioner. He asked SSP to clarify whether charges have been framed or not. It is undisputed that petitioner had already been reported in column No.2 of supplementary challan dated 27.12.2022, thus, there was no question of framing charge. Column No.2 of the Police Report reads as:-

1.	xxxxx	xxxxx
2.	<i>Details of persons declared innocent and the persons whose arrest is pending</i>	<ol style="list-style-type: none"> <i>Navjot Kaur daughter of Balvir Singh resident of Village Hansder, PS Garhi, District Jind, Haryana (Innocent)</i> <i>Surinder son of Ramphal resident of Hamirgarh, Tehsil Nirwana, PS Garhi, District Jind, Haryana</i>



	<p><i>(innocent)</i></p> <p>3. <i>Prabhjot Singh son of Bhim Singh resident of Village Bhalwan, PS Sadar Dhuri, District Sangrur (Innocent)</i></p> <p>1. <i>Rakesh Kumar son of Mahinder Singh resident of Village Banarsi, PS Khanori, District Sangrur (Arrest pending)</i></p> <p>2. <i>Jatinder Kumar resident of Rakhi Gamra, PS Narnaund, District Hisar. (Arrest Pending)</i></p> <p>3. <i>Amit Kumar son of Rajinder Kumar House No.78, Kheri Jalab, City Narnaund, District Hisar Haryana. (Arrest Pending.</i></p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

14. As per impugned order as well as arguments of State counsel, Clause (d) of Rule 12.18(3) of PPR is applicable. The respondent has intentionally and mischievously skipped Clause (c) of aforesaid Rule which is directly applicable to the instant case. The petitioner had duly disclosed factum of FIR in verification form, thus, there was compliance of Rule 12.18(2) of PPR. On the date of verification of antecedents, local police had already filed supplementary challan disclosing him innocent. The police had formed opinion that out of seven accused, three are innocent including the petitioner.

15. The respondent vide letter dated 20.11.2023 asked SSP to clarify whether charges have been framed or not against the petitioner. It shows at that stage, the respondent was relying upon Clause (b), however, finding himself unable to invoke Clause (b) applied Clause (d) of 12.18 of PPR while passing impugned order. Expressions 'Cancellation report' or 'an untraced report' are used in Clause (d) whereas expression 'withdrawn by State Government', 'cancelled', 'sent untraced' or 'acquitted' are used in clause (c). Police in the aforesaid FIR at the time of verification of



antecedents has already filed report declaring the petitioner innocent. Name of petitioner was recorded in Column No.2, thus, he was not an accused in any FIR on the date of verification. Thus, for all intents and purposes Clause (c) is applicable to instant case.

16. Even if Clause (d) of Rule 12.18(3) of PPR is applied still respondent was duty bound to apply said Clause in true spirit and especially keeping in mind judgment of the Hon'ble Supreme Court in ***Ravindra Kumar (Supra)***.

As per Clause (d) of Rule 12.18(3) of PPR where cancellation report or an untraced report in a case against the candidate has been submitted by the investigating agency in the competent Court of law, the appointment shall be offered only if approval/acceptance to such cancellation or untraced report has been accorded by Trial Court.

In the instant case, police had not filed cancellation report or untraced report whereas investigating agency found the petitioner innocent and filed supplementary challan wherein it was disclosed that petitioner is innocent.

17. As Police has not filed cancellation report, thus, there was no question of acceptance/approval of said report. It is a case of finding a person named in FIR innocent in the investigation. In any case, the respondent was bound to consider case of petitioner in the light of judgment of Hon'ble Supreme Court in ***Ravindra Kumar (Supra)***. The petitioner at the time of passing impugned order had already been discharged by Trial Court, though, it was not necessary on the part of Trial Court because petitioner's name reported in Column No. 2 of the police report. As per



aforesaid judgment of Supreme Court, the respondent was bound to examine the case in totality.

18. The respondent has tried to apply facts of ***Ravindra Kumar (Supra)*** to instant case and miserably discarded ratio/findings recorded by Hon'ble Supreme Court. It is ratio of a judgment which is considered precedent and applied to future cases. For the ready reference, relevant extracts of judgment in ***Ravindra Kumar (Supra)*** are reproduced as below:-

“32. The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgment 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.

33. Having discussed the legal position above, it is necessary to set out certain special features that obtain in the case at hand.

33.1. The appellant hails from the small Village Bagapar, PO Kataura, Police Station Gauri Bazar, District Deoria, U.P.

33.2. On the date of the application, there was no criminal case pending and there was no suppression in the application form.

33.3. The criminal case was registered when he was 21 years of age for the offences very similar to the one referred to in Sandeep Kumar and even in the criminal case he was acquitted.

33.4. No doubt, the multiple columns in the verification affidavit, questions were asked from him in different permutations and combinations. He must have been in a deep dilemma as there was an imminent prospect of losing his employment.



33.5. *Most importantly, we find from the verification documents fairly and candidly made available by the learned Additional Advocate General, that the verification report after noticing the criminal case and the subsequent acquittal stated that his character was good, that no complaints were found against him and that his general reputation was good.*

33.6. *Not stopping there, the person who visited the spot even wished him a bright future in the report.*

33.7. *The SHO, Gauri Bazar Police Station, who forwarded the report to the Superintendent of Police after reiterating the contents of the report observed that he was acquitted and no appeal was filed. Further, there was no other case pending and nor was any case registered against the candidate.*

33.8. *The SHO certified the character of the candidate as excellent and that he was eligible to do government service under the State Government. He annexed the report of the police station as well as the report of the Gram Pradhan and the court documents.*

33.9. *The Superintendent of Police, in his letter to the Commandant, endorsed the report and reiterated that the character of the candidate was excellent.*

33.10. *While examining whether the procedure adopted for enquiry by the authority was fair and reasonable, we find that the order of cancellation of 12-4-2005 does not even follow the mandate prescribed in Clause 4 of the Form of Verification of Character set out in the earlier part of this judgment (see para 13, above). Like it was found in Ram Kumar instead of considering whether the appellant was suitable for appointment, the appointing authority has mechanically held his selection was irregular and illegal because the appellant had furnished an affidavit with incorrect facts. Hence, even applying the broad principles set out in para 93.7 of Satish Chandra Yadav, we find that the order of cancellation dated 12-4-2005 is neither fair nor reasonable. Clause 9 of the recruitment notification has to be read in the context of the law laid down in the cases set out hereinabove.*



34. On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take a holistic view, based on objective criteria, with the available precedents serving as a guide. It can never be a one size fits all scenario.

Relief

35. For the reasons set out hereinabove, the appeal is allowed and the order [Ravindra Kumar v. State of U.P., 2005 SCC OnLine All 1801] of the learned Single Judge and the impugned order of the Division Bench dated 29-10-2010 [Ravindra Kumar v. State of U.P. Special Appeal No. 896 of 2005, order dated 29-10-2010 (All)] in Special Appeal No. 896 of 2005 are set aside. The order of 12-4-2005 of the third respondent, Commandant 27th Battalion, PAC, Sitapur is quashed and set aside. The respondents are directed to appoint the appellant in service on the post of Constable for which he was selected, pursuant to his participation in reference to the Recruitment Notification dated 20-1-2004. We make it clear that the appellant will not be entitled for the arrears of salary for the period during which he has not served the force. At the same time, we direct that the appellant will be entitled for all notional benefits, including pay, seniority and other consequential benefits. Necessary orders shall be passed within a period of four weeks from today. There shall be no order as to costs”

19. From the above-cited judgment, it is evident that Hon'ble Supreme Court has held that authority should consider nature of offence,



timing and nature of the criminal case, over all consideration of the judgment of acquittal, nature of query in the verification form, socio-economic strata of the individual and other antecedents of the candidate. The respondent has not examined even a single aspect as mandated by Supreme Court whereas has attempted to distinguish facts of instant case from case of ***Ravindra Kumar (Supra)***. This is only because of narrow and limited appreciation of judgment of Hon'ble Supreme Court.

20. In the wake of afore-stated facts and discussion, the instant petition deserves to be allowed and accordingly allowed.

21. The respondent unnecessarily dragged the petitioner to multiple rounds of litigation. This is a fit case for imposing costs upon the respondent. Accordingly, costs of Rs. 50,000/- is imposed upon the respondent. The costs shall be paid within two weeks from today to the petitioner. The respondent shall issue him appointment letter within two weeks from today. The petitioner shall be entitled to notional service benefits from the date his colleagues have joined service.

(JAGMOHAN BANSAL)
JUDGE

18.07.2025

Paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	