

**2025 SCC OnLine Del 7062**

**In the High Court of Delhi at New Delhi**

(BEFORE C. HARI SHANKAR AND OM PRAKASH SHUKLA, JJ.)

Bheem Pratap Singh ... Petitioner;

*Versus*

Union of India and Others ... Respondents.

W.P.(C) 14217/2025 and CM APPLs. 58365/2025 and 58366/2025

Decided on September 15, 2025

Advocates who appeared in this case:

Mr. Sandeep Mishra, Mr. Surbhit Nandan, Ms. Nandika Vyas, Mr. Ayush Vardhan.

Mr. Sahaj Garg, S.P.C.

The Judgment of the Court was delivered by

**OM PRAKASH SHUKLA, J.:**— The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking directions to the respondent;

- (i) to set aside the rejection order No. E. 32099 dated 11.02.2025 passed by the learned Assistant Inspector General, office of Deputy Inspector general, Central Industrial Security Force<sup>1</sup>, North East Zone (NEZ) headquarters, Guwahati;
- (ii) to set aside the Show Cause notices dated 26.07.2024 and 26.12.2024, issued in relation to petitioner's candidature and;
- (iii) consequential direction to the respondents to consider the petitioner fit for the post of Head Constable/GD (Sports Quota).

**2.** Succinctly, the facts of the case are that the petitioner applied to CISF under the Sports Quota (Boxing; 51 kg category) for Recruitment Year 2023, seeking appointment to the post of Head Constable/GD (Sports Quota). In the Application Form dated 18.11.2023, the petitioner in answer to a query at Serial No. 3 relating to the question "Have you ever been convicted by any Court of Law or any other judicial institution?", answered in negative "NO".

**3.** However, it would be significant to note that, prior to the filing of the aforesaid application, an FIR No. 260/2020 dated 16.07.2020 had been registered at Police Station Sear, District, Bharatpur, Rajasthan under Sections 323, 341 and 325 of the Penal Code, 1860, culminating into Criminal Case no. 1583/2020, wherein the petitioner was acquitted on 14.05.2022 on the basis of compromise and there had been no appeal. Thus, the acquittal of the petitioner has attained finality.

**4.** While things stood thus, after the submission of the application

form, the petitioner was issued an admit card for appearing in the detailed medical examination on 11.07.2024 and an admit card for a Trial Proficiency Test, Physical Standard Test (PST) and submission of requisite documentation scheduled on 10.06.2024. The petitioner successfully cleared the initial stages of the selection process including the physical test, boxing trial and appeared for medical examination on 11.07.2024 at CISF National Headquarters Campus, Mahipalpur, New Delhi.

**5.** During the documentation process, the petitioner disclosed information regarding existence of FIR No. 260/2020 and the subsequent criminal case in a questionnaire form dated 11.07.2024. Pursuant to this, the respondents issued two letters/Show Cause Notices, first dated 26.07.2024, informing the petitioner that his selection and appointment would be subject to clearance by the Standing Screening Committee due to his declaration of involvement in FIR/Court case, and the second, dated 26.12.2024, calling upon him to furnish copies of the FIR No. 260/2020 dated 16.07.2020, a copy of judgment of the learned Trial Court dated 06.04.2022, and a copy of judgment of the National Lok Adalat dated 14.05.2022. Subsequently, *vide* impugned order dated 11.02.2025, the Assistant Inspector General, Office of Deputy Inspector General, CISF NEZ Headquarters, Guwahati, declared the petitioner as "Unsuitable for Employment in CISF".

**6.** In response, the petitioner preferred a Legal Notice-cum-Representation dated 03.04.2025 stating therein that there had been no suppression, as the case had already concluded in acquittal of the petitioner before the date of application and as such it was stated that the rejection of the candidature of the petitioner was in violation of the Judgment of the Hon'ble Supreme Court in the case of *Avtar Singh v. UOI*<sup>2</sup>.

**7.** Apparently, the aforesaid Legal Notice-cum-Representation of the petitioner did not find any favour with the respondents and as such the present writ came to be filed assailing the rejection order dated 11.02.2025 passed by Assistant Inspector General, Guwahati. Mr. Sandeep Mishra, learned Counsel for the petitioner has submitted that the present case is not a rejection based on lack of merit or unsatisfactory performance, but solely on an alleged suppression of facts, which is factually and legally unsustainable. According to him, no enquiry was conducted, nor was any opportunity of hearing afforded to the petitioner, and the petitioner was never issued any reasons for his rejection. The petitioner contended that the authorities declared him unsuitable for appointment without even disclosing any reasons or the basis of its conclusion, thereby acting arbitrarily and discriminatorily, in clear violation of his fundamental rights guaranteed under Articles 14

and 21 of the Constitution of India.

**8.** It is also contended that there was no suppression of facts, inasmuch as the petitioner had already been acquitted in FIR No. 260/2020 by order dated 14.05.2022, which was much prior to the submission of his application form on 18.11.2023, and that during document verification, he very much disclosed the existence of the said FIR and his acquittal, supported by the order of the learned Trial Court dated 06.04.2022 and order of the National Lok Adalat dated 14.05.2022. The learned Counsel for the petitioner has further relied upon Para 2.1 of the Policy Guidelines of the Ministry of Home Affairs dated 01.02.2012, to contend that non-disclosure of a past case, if discovered after acquittal, cannot by itself result in cancellation of candidature. It has also been urged that the Legal Notice-cum-Representation dated 03.04.2025 reiterating these facts was neither considered nor answered.

**9.** We have considered the submissions of the petitioner and examined the material on record. The principal ground on which the candidature of the petitioner has been rejected is the alleged involvement in FIR No. 260/2020. However, it is an admitted position that the petitioner stood acquitted *vide* judgment dated 14.05.2022, even prior to the submission of his application form on 18.11.2023. The application form itself required disclosure under Clause 3 regarding conviction by a Court of law, to which the petitioner answered "No." Since, the petitioner was never convicted and was in fact acquitted in the FIR No. 260/2020, his response cannot be termed incorrect or any suppression, inasmuch as, on the date of the application form dated 18.11.2023, there was no conviction against him.

**10.** In *Delhi Transport Corporation v. Manohar Lal*<sup>3</sup>, a Division Bench of this Hon'ble Court reiterated the settled position flowing from **Avtar Singh** (supra) that non-disclosure of a criminal case cannot, in every circumstance, be treated as fatal to public employment.

**11.** The Court emphasized that each case must be considered on its own facts, having regard to the nature of the offence, the outcome of the proceedings, the time at which the case was registered, and whether the allegations bear any nexus to the duties of the post concerned. Most importantly, the employer must act reasonably, objectively, and in accordance with principles of natural justice before cancelling a candidature or terminating service.

**12.** Applying these principles to the present case, the impugned rejection order dated 11.02.2025 cannot be sustained. The petitioner had already been acquitted prior to filling his application form. The alleged suppression is not borne out from the record since the petitioner disclosed the existence of the FIR against him and his

acquittal during the document verification stage and furnished the necessary orders of compromise and acquittal, yet the Screening Committee, proceeded mechanically to declare the petitioner unsuitable without recording any reasons or affording him an opportunity of hearing. The action of the committee apparently seems to be in breach of the Para 2.1 of the Policy Guidelines of the Ministry of Home Affairs dated 01.02.2012, which *inter alia* states that nondisclosure of a past case, if discovered after acquittal, cannot by itself result in cancellation of candidature.

**13.** Further, as observed in **Manohar Lal** (supra), where an employer proceeds against a candidate/employee without assessing the relevance of background to the job profile, and without fair consideration of the acquittal, such action is liable to be struck down. The post of Head Constable (GD) under the Sports Quota bears no nexus to the incident of 2020, which itself ended in an acquittal. The rejection thus lacks objective evaluation and falls foul of the guidelines laid down in **Avtar Singh** (supra) and affirmed in subsequent decisions.

**14.** In the present case, the petitioner is a boxing player who was previously involved in a FIR No. 260/2020 under Sections 323, 341 and 325 that resulted in compounding and acquittal. The Sports Quota's Head Constable (GD) duties and eligibility requirements have no rational nexus to that one-off incident, which had nothing to do with service conduct and didn't lead to any moral turpitude. Further, the offences alleged against him were all bailable and the gravity was such that it came to be compromised in the Lok Adalat. There cannot be broad-brushing of every non-disclosure as a disqualification and each case would depend on its own peculiar facts & circumstances. In any case, the petitioner was acquitted in the trial and there is no case of suppression of these facts. The acquittal has attained finality as there is no appeal. The petitioner rightly answered "No" to question of "Have you ever been convicted by any Court of Law or any other judicial institution?" and thereafter, disclosed in detail about the existence of the FIR and about its status in the questionnaire form dated 11.07.2024. In the peculiar facts of the case, this court does not find that the time and stage of the detailed disclosure of the petitioner's involvement and subsequent acquittal during the questionnaire form dated 11.07.2024 and not at the application form dated 18.11.2023, to be unnatural and irrational, so as to lead to any suppression of fact. The petitioner has aptly informed the existence of the FIR and his subsequent acquittal at the appropriate time and as such the same cannot be faulted with, taking an overall holistic view of the present case.

**15.** Accordingly, we are of the view that the impugned rejection

order dated 11.02.2025 is untenable in the eyes of law, being arbitrary and in violation of principles of natural justice.

**16.** As a sequel to above, the rejection of the petitioner by the respondents was clearly illegal. The rejection of his candidature *vide* the impugned order dated 11.02.2025 is hereby quashed and set aside. The innocuous Show Cause Notices/Letters dated 26.07.2024 and 26.12.2024 do not require any special mention, in view of the findings arrived by this court. Resultantly, the petitioner shall be treated as suitable for employment for the post of Head Constable (GD) and his candidature shall be further processed in accordance with law.

**17.** Accordingly, the petition stands allowed.

**18.** There shall be no order(s) as to cost.

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<sup>1</sup> "CISF", hereinafter

<sup>2</sup> (2016) 8 SCC 471

<sup>3</sup> **2025 : DHC : 1916-DB**

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