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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 30.01.2026*  
*Judgment pronounced on: 10.03.2026*  
*Judgment uploaded on: 10.03.2026*

+ W.P.(C) 9485/2020

RAHUL BANSAL

.....Petitioner

Through: Mr. Sachin Chauhan and Ms.  
Ridhi Dua, Advs.

versus

THE COMMISSIONER OF POLICE & ANR .....Respondents

Through: Mr. Manish Kumar, SPC.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

### **J U D G M E N T**

#### **ANIL KSHETARPAL, J.**

1. Through the present Writ Petition under Articles 226 & 227 of the Constitution of India, the Petitioner assails the correctness of the Judgment dated 18.03.2020 [hereinafter referred to as '**Impugned Judgment**'], whereby the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as '**the Tribunal**'], dismissed the O.A. No.2365/2017. The Petitioner also assails the show cause notice dated 19.11.2015, as well as the order dated 14.03.2016 passed by the Competent Authority, cancelling his candidature.



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2. Herein, the Petitioner contends that, having truthfully disclosed his involvement in the criminal case and having subsequently been acquitted by the Trial Court, the Respondents were not justified in denying him appointment.

3. Accordingly, the issue that arises for consideration before this Court is whether the learned Tribunal was justified in upholding the decision of the Competent Authority rejecting the Petitioner's appointment on compassionate grounds, upon an assessment of his antecedents and suitability for induction into the Delhi Police.

#### **FACTUAL MATRIX:**

4. In order to comprehend the issues involved in the present case, relevant facts in brief are required to be noticed.

5. The Petitioner's father died in the year 2013 and his name was approved for appointment to the post of Head Constable (Ministerial) in Delhi Police on compassionate grounds in the year 2014, subject to verification of character and antecedents, medical fitness, and completion of requisite formalities.

6. During verification, it was revealed that the Petitioner had been involved in a criminal case *vide* FIR No.138/2009 relating to various provisions of the IPC. Though the Petitioner had disclosed such involvement in the attestation form, he had been acquitted by the Trial Court *vide* order dated 23.11.2011, with prosecution witnesses turning hostile, which was treated by the authorities as a technical acquittal rather than a clean acquittal.



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7. Consequently, a show cause notice was issued on 19.11.2015 as to why his candidature for the post of Head Constable (Ministerial) should not be cancelled. After considering his reply to the show cause notice, the Screening Committee found it not convincing and remarked that the Petitioner has shown involvement in serious criminal cases and has reflected unsuitability for appointment in a disciplined force like the Delhi Police.

8. Thereafter, his candidature was cancelled *vide* order dated 14.03.2016 issued by the Deputy Commissioner of Police, Recruitment Cell.

9. Aggrieved thereby, the Petitioner challenged the aforesaid Order dated 14.03.2016 and the show cause notice dated 19.11.2015 before the Tribunal in O.A. No.2365/2017, contending that since he had truthfully disclosed the criminal case and stood acquitted, the denial of appointment was unjustified.

10. Pursuant thereto, the Tribunal *vide* the Impugned Judgment, while dismissing the O.A., held that the competent authority had applied its mind and was justified in assessing the Petitioner's antecedents, and that no illegality, arbitrariness, or procedural infirmity could be discerned in the decision-making process.

11. Aggrieved by the same, the present Petition has been preferred by the Petitioner.

### **CONTENTION OF THE PARTIES:**



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12. Heard learned Counsel for the parties at length and, with their able assistance, perused the paperbook.

13. Learned Counsel for the Petitioner submits that:

i. The Petitioner had truthfully disclosed his involvement in the criminal case in the attestation form and had not suppressed any material fact.

ii. The Petitioner was acquitted by the trial court, and therefore, the Respondents could not have treated the acquittal as a ground to deny appointment, particularly when no adverse antecedents existed against him.

iii. Mere registration of an FIR does not establish guilt, and once the criminal proceedings culminate in acquittal, the stigma cannot be perpetuated to deprive the Petitioner of public employment. Reliance is placed upon the judgment rendered in *Sandeep Singh v. GNCTD & Anr.*<sup>1</sup>

14. *Per contra*, learned Counsel for the Respondents submits that:

i. The Petitioner's appointment was purely provisional and subject to satisfactory verification of character and antecedents. It is argued that despite disclosure, the employer retains the discretion to assess suitability, especially for induction into a disciplined force like the Delhi Police.

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<sup>1</sup> 2019:DHC:6823-DB



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- ii. The offences alleged against the Petitioner were serious in nature, and the acquittal was based on compromise and hostile witnesses, which cannot be construed as an honorable acquittal.
- iii. The Screening Committee, comprising senior officers, duly considered the Petitioner's reply to the show cause notice before declining his candidature, thereby adhering to the principles of natural justice.
- iv. Antecedents are a crucial factor in public employment, and the employer is well within its rights to withdraw the appointment where the candidate is found unsuitable. Reliance is placed upon the judgments rendered in *DAD v. Sushil Kumar*<sup>2</sup>; *Avtar Singh v. UOI*<sup>3</sup>; *Daya Shankar Yadav v. UOI & Ors.*<sup>4</sup>; and *Commissioner of Police, New Delhi v. Mehar Singh*<sup>5</sup>.

15. No other submissions have been made on behalf of the learned counsel representing the parties.

### **ANALYSIS AND FINDINGS:**

16. This Court has carefully considered the submissions advanced by the learned Counsel for the parties and has perused the record. The controversy in the present petition does not relate to suppression of material facts by the Petitioner, but concerns the legality of the decision of the Competent Authority, as affirmed by the Tribunal, in assessing the Petitioner's suitability for appointment to a disciplined

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<sup>2</sup> (1996) 11 SCC 605

<sup>3</sup> (2016) INSC 543

<sup>4</sup> SLP (C) 16989/2006

<sup>5</sup> (2013) 7 SCC 685



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force, notwithstanding truthful disclosure of antecedents and a subsequent acquittal.

17. The legal position governing the issue is now well settled. Truthful disclosure of involvement in a criminal case does not create an infeasible right to appointment, nor does it denude the employer of the authority to assess a candidate's antecedents and overall suitability. Particularly in the context of recruitment to a disciplined force, the employer is entitled to apply a stringent standard, keeping in view the nature of duties, public confidence, and the requirement of impeccable character.

18. In *Mehar Singh (supra)*, the Supreme Court upheld the validity of the screening mechanism adopted by the Delhi Police and authoritatively held that the Screening Committee is entitled to decline appointment even where the candidate has been acquitted. The Court held that the Committee may legitimately consider (i) the nature and extent of involvement in the criminal case, (ii) the seriousness of the charge, (iii) whether the acquittal is honourable or merely technical, and (iv) the propensity of the candidate to become a cause for worsening the law and order situation.

19. It was further observed that acquittals arising out of compromise or witnesses turning hostile cannot be equated with clean acquittals on merits, and that such acquittals do not bind the employer while assessing suitability. It was further clarified that disclosure of involvement in a criminal case does not improve the candidate's case, as honesty in disclosure is only a threshold requirement and not a



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mitigating factor in the assessment of suitability. The Court emphasised that the decision of the Screening Committee, if taken *bona fide* and without extraneous considerations, ought not to be interfered with in judicial review. The relevant extract of the aforesaid judgment is reproduced hereinbelow:

*23. A careful perusal of the policy leads us to conclude that **the Screening Committee would be entitled to keep persons involved in grave cases of moral turpitude out of the police force even if they are acquitted or discharged if it feels that the acquittal or discharge is on technical grounds or not honourable.** The Screening Committee will be within its rights to cancel the candidature of a candidate if it finds that the acquittal is based on some serious flaw in the conduct of the prosecution case or is the result of material witnesses turning hostile. It is only experienced officers of the Screening Committee who will be able to judge whether the acquitted or discharged candidate is likely to revert to similar activities in future with more strength and vigour, if appointed, to the post in a police force. The Screening Committee will have to consider the nature and extent of such person's involvement in the crime and his propensity of becoming a cause for worsening the law and order situation rather than maintaining it. In our opinion, this policy framed by the Delhi Police does not merit any interference from this Court as its object appears to be to ensure that only persons with impeccable character enter the police force.*

*24. We find no substance in the contention that by cancelling the respondents' candidature, the Screening Committee has overreached the judgments of the criminal court. We are aware that the question of co-relation between a criminal case and a departmental enquiry does not directly arise here, but, support can be drawn from the principles laid down by this Court in connection with it because the issue involved is somewhat identical, namely, whether to allow a person with doubtful integrity to work in the department. **While the standard of proof in a criminal case is the proof beyond all reasonable doubt, the proof in a departmental proceeding is preponderance of probabilities. Quite often criminal cases end in acquittal because witnesses turn hostile. Such acquittals are not acquittals on merit. An acquittal based on benefit of doubt would not stand on a par with a clean acquittal on merit after a full-fledged trial, where there is no indication of the witnesses being won over.** In *R.P. Kapur v. Union of India* [AIR 1964 SC 787] this Court has taken a view that departmental proceedings can proceed even though a person is acquitted when the acquittal is other than honourable.*



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33. So far as respondent Mehar Singh is concerned, his case appears to have been compromised. It was urged that acquittal recorded pursuant to a compromise should not be treated as a disqualification because that will frustrate the purpose of the Legal Services Authorities Act, 1987. We see no merit in this submission. Compromises or settlements have to be encouraged to bring about peaceful and amiable atmosphere in the society by according a quietus to disputes. They have to be encouraged also to reduce arrears of cases and save the litigants from the agony of pending litigation. But these considerations cannot be brought in here. **In order to maintain integrity and high standard of police force, the Screening Committee may decline to take cognizance of a compromise, if it appears to it to be dubious. The Screening Committee cannot be faulted for that.**

34. The respondents are trying to draw mileage from the fact that in their application and/or attestation form they have disclosed their involvement in a criminal case. We do not see how this fact improves their case. Disclosure of these facts in the application/attestation form is an essential requirement. An aspirant is expected to state these facts honestly. Honesty and integrity are inbuilt requirements of the police force. **The respondents should not, therefore, expect to score any brownie points because of this disclosure. Besides, this has no relevance to the point in issue. It bears repetition to state that while deciding whether a person against whom a criminal case was registered and who was later on acquitted or discharged should be appointed to a post in the police force, what is relevant is the nature of the offence, the extent of his involvement, whether the acquittal was a clean acquittal or an acquittal by giving benefit of doubt because the witnesses turned hostile or because of some serious flaw in the prosecution, and the propensity of such person to indulge in similar activities in future.** This decision, in our opinion, can only be taken by the Screening Committee created for that purpose by the Delhi Police. If the Screening Committee's decision is not mala fide or actuated by extraneous considerations, then, it cannot be questioned.

35. **The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these**



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*matters to the Screening Committee. The decision of the Screening Committee must be taken as final unless it is mala fide. In recent times, the image of the police force is tarnished. Instances of police personnel behaving in a wayward manner by misusing power are in public domain and are a matter of concern. The reputation of the police force has taken a beating. In such a situation, we would not like to dilute the importance and efficacy of a mechanism like the Screening Committee created by the Delhi Police to ensure that persons who are likely to erode its credibility do not enter the police force. At the same time, the Screening Committee must be alive to the importance of the trust reposed in it and must treat all candidates with an even hand.*

*(Emphasis supplied)*

20. These principles were subsequently harmonised and reiterated in *Avtar Singh* (*supra*). The Supreme Court held that even where a candidate has truthfully disclosed a concluded criminal case, the employer retains the right to consider antecedents and is not compelled to appoint such a candidate. It was further held that where the acquittal relates to offences of a serious nature and is not honourable, but is based on technical grounds or the benefit of doubt, the employer is entitled to take an appropriate decision regarding suitability for appointment.

21. Importantly, *Avtar Singh* (*supra*) clarifies that the object of antecedent verification is not to sit in judgment over the criminal court's verdict, but to determine whether the candidate is fit for public employment, particularly in sensitive services. The standard applicable to such assessment is not proof beyond reasonable doubt, but an overall evaluation of conduct, character, and antecedents.



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22. It is also apposite to note that the Co-Ordinate Benches of this Court in *Commissioner of Police and Anr. v. Vidur*<sup>6</sup> and *Mahesh Kumar v. Union of India & Ors.*<sup>7</sup> have upheld the employer's discretion in matters of police recruitment where the acquittal is not honourable. In the aforesaid judgments, it is reiterated that truthful disclosure of a criminal case does not eclipse the authority of the Screening Committee to assess suitability, and that acquittals founded on compromise, benefit of doubt, or witnesses turning hostile cannot be treated as clean exonerations. It is further held that judicial review is confined to examining whether the decision-making process is fair, informed, and free from *mala fides*, and that the Court ought not to substitute its own assessment for that of the Screening Committee, particularly in the context of induction into a disciplined force where the requirement of impeccable character assumes paramount importance.

23. Applying the aforesaid settled legal position to the facts of the present case, it is evident that the action of the Respondents does not suffer from arbitrariness or illegality. As rightly appreciated, the Petitioner was alleged to be involved in a serious case of house trespass armed with Delhi weapon, rioting, criminal intimidation and causing grievous hurt. Though he stood acquitted *vide* order dated 23.11.2011, the acquittal was on account of the victims, who were from the same village as the accused, turning hostile. The Medico-Legal Certificates (MLCs) of the victims were also appraised and it was found that the same clearly reflect that the victims, including

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<sup>6</sup> 2025:DHC:11196-DB

<sup>7</sup> 2023:DHC:2420-DB



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women, suffered injuries. Such an acquittal, in light of the law laid down in *Mehar Singh* (*supra*) and *Avtar Singh* (*supra*), cannot be treated as a clean or honourable acquittal.

24. The Screening Committee, comprising senior officers, examined the nature of allegations, the circumstances leading to acquittal, and the Petitioner's reply to the show cause notice before concluding that he was unsuitable for appointment to a disciplined force like the Delhi Police. The decision was not mechanical, but based on a reasoned assessment of relevant material, including MLCs of the victims. The Tribunal, upon scrutiny of the decision-making process, rightly found that there was no procedural infirmity or perversity warranting interference.

25. The scope of judicial review under Articles 226 and 227 of the Constitution in such matters is limited. This Court does not sit in appeal over the subjective satisfaction of the employer in matters of suitability, unless the decision is shown to be vitiated by *mala fides*, manifest arbitrariness, or patent illegality. No such infirmity is demonstrated in the present case.

26. The reliance placed by the Petitioner upon the judgment of the Co-Ordinate Bench of this Court in *Sandeep Singh* (*supra*) is wholly misplaced. In the said case, the acquittal was not founded on any "benefit of doubt", but on the categorical finding that there was no evidence whatsoever against the accused. It was in these circumstances that even the recording of the statement of the accused



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under Section 313 of the Code of Criminal Procedure, 1973, was dispensed with.

27. Further, the underlying object of compassionate appointment is to provide immediate succour to the family of a deceased employee who dies in harness, particularly where such employee was the sole breadwinner. Compassionate appointment is not an alternative mode of recruitment nor a source of regular appointment; rather, it is a narrowly carved-out exception intended to meet extraordinary and emergent circumstances. Ordinarily, appointments to Government service or Public Sector Undertakings are made through a process of open competition, ensuring equal opportunity to all eligible aspirants. However, by way of exception, certain posts are taken out of the general pool to provide immediate financial assistance to the family of the deceased employee, so as to enable it to tide over the sudden crisis occasioned by the loss of its only source of livelihood. In *Tinku v. State of Haryana & Ors.*<sup>8</sup>, the Supreme Court has categorically held that compassionate appointment cannot be granted mechanically or as a matter of course, and that the financial condition of the family must necessarily be examined. The relevant extract reads as under:

*“12. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help a family out of a sudden pecuniary financial destitution to help it get out of the emerging urgent situation where the sole bread earner has expired, leaving them helpless and maybe penniless. Compassionate appointment is, therefore, provided to bail out a family of the*

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<sup>8</sup> 2024 INSC 867



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*deceased employee facing extreme financial difficulty and but for the employment, the family will not be able to meet the crisis. This shall in any case be subject to the claimant fulfilling the requirements as laid down in the policy, instructions, or rules for such a compassionate appointment.”*

*(Emphasis supplied.)*

28. The aforesaid principles also make it abundantly clear that the very purpose of compassionate appointment stands frustrated where considerable time has elapsed since the death of the employee. In the present case, the Petitioner's father expired in the year 2013. More than a decade, indeed, approximately thirteen years, has elapsed since then. The family has evidently managed to subsist without any compassionate employment during this interregnum. Moreover, no material has been placed on record, nor has the attention of the Court been drawn to any contemporaneous assessment by the Competent Authority regarding the financial condition of the Petitioner's family so as to demonstrate the existence of continuing penury or immediate financial distress warranting the grant of compassionate appointment at this belated stage.

29. Since, now there is an inordinate delay of more than a decade from the date of demise of the employee, it defeats the very object and purpose of the scheme, which is to provide immediate relief to the family in distress.

### **CONCLUSION:**

30. In view of the binding precedents of the Supreme Court and the consistent approach adopted by the Co-Ordinate Benches of this



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Court, this Court finds no ground to interfere with the Impugned Judgment of the Tribunal.

31. Accordingly, the present Petition is dismissed.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**MARCH 10, 2026/s.godara/shah**