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APHC010554992025



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

[3565]

TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT APPEAL NO: 1364/2025

Writ Appeal under clause 15 of the Letters Patent to set-aside the Order of Learned Single Judge passed in W.P. (AT) No. 22 of 2021 by allowing the present Writ Appeal.

Between:

1.DODLA PENCHALIAH, S/O. PENCHALIAH, AGED ABOUT 37 YEARS, R/O. KAMAKSHI COLONY, BUCCHIREDDYPALEM, SPSR NELLORE DISTRICT.

...APPELLANT

AND

1.THE DIRECTOR GENERAL OF POLICE, ANDHRA PRADESH, AMARAVATI - 522 502

2.THE STATE LEVEL POLICE RECRUITMENT BOARD, ANDHRA PRADESH., REP. BY ITS CHAIRMAN. - 522 502

3.THE SUPERINTENDENT OF POLICE, SPSR NELLORE DISTRICT, NELLORE-524001.

4.THE STATE OF ANDHRA PRADESH, REP. BY PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.- 522 237

...RESPONDENT(S):

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 to

Condone the delay of 69 days in filing the e accompanying Writ Appeal against the order dated 30.04.2025 passed in W.P.(A.T.) No.22 of 2021,

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 to stay the operation and effect of the Order, dated 30.04.2025 passed in W.P.(A.T.) No.22 of 2021, by directing the respondents authorities to reserve one post of Police Constable (Civil) - 2008 (II) for the petitioner, pending disposal of this Writ Appeal

Counsel for the Appellant:

1.V ROOPESH KUMAR REDDY

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND
AND
THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA
WRIT APPEAL No.1364 of 2025

JUDGMENT: *(Per Hon'ble Sri Justice Battu Devanand)*

This Writ Appeal is filed aggrieved by the order, dated 30.04.2025 passed by a learned Single Judge of this Court in W.P.(AT) No.22 of 2021.

2. The parties in the Appeal will be referred to as they are arrayed in the Writ Petition for the sake of convenience.

3. Heard Mr.V. Roopesh Kumar Reddy, learned counsel appearing for the appellant and learned Government Pleader for Services-I appearing for the respondents and carefully perused the material available on record.

4. **Case of the petitioner:**

(i) The petitioner is belonging to a Scheduled Tribe (S.T.) community. He applied for recruitment to the post of Police Constable pursuant to the notification-2008 (2) of State Level Police Recruitment Board, Andhra Pradesh. He appeared for the preliminary test (preliminary selection test of 5 km run) conducted in the month of March 2009 and he was qualified. Thereafter, he appeared and qualified in Physical Measurement Test conducted on 16.07.2009. Written examination was conducted on 13.09.2009. He also participated in Physical Efficiency Test (PET) performance (men) in various categorized tests and he was qualified.

(ii) In the village of the petitioner, there were political groups which were frequently making complaints against each other. The petitioner has no role either in the politics or in the village affairs. He is searching for employment. He was informed through his family members that on 03.01.2010 at about 15-00 hours, an altercation was took place between the revenue officials i.e., Mandal Surveyor, Buchireddypalem; the Village Revenue Officer, Bit-II; one Seenaiah and others. On 03.01.2010, basing on the complaint, a case in Crime No.4 of 2010 was registered for the offence under Section 323 r/w 34 of the Indian Penal Code against Seenaiah and others. Except the petitioner, all his friends were implicated in the said crime, who are agriculturists. Again on the same day, another crime i.e., Crime No. 6 of 2010 was registered for the offences under Sections 147, 148, 452, 323, 324, 427 r/w 149 Indian Penal Code against Seenaiah and others including the petitioner herein, who implicated as Accused No.13. The *defacto* complainant in Crime No.6 of 2010 is inimically disposed towards the petitioner's family and knowing the fact that the petitioner was selected in the police constable recruitment, he was implicated in the second case as afterthought. Though there is no offence attributable against the petitioner, a charge sheet was filed in C.C.No.107 of 2010 on the file of the Additional Judicial Magistrate of First Class, Kovur. The petitioner was informed that he would not be considered for training due to pendency of the charge sheet.

(iii) The petitioner is advised that pending criminal case, he cannot prohibit undergoing for training and accordingly, the petitioner approached the

Andhra Pradesh Administrative Tribunal by filing O.A.No.1381 of 2013. During pendency of the said O.A., the petitioner was acquitted in C.C.No.107 of 2010 on the file of the Additional Judicial Magistrate of First Class, Kovur, by its judgment, dated 19.03.2014. At that stage, the petitioner filed Miscellaneous Application in M.A.No.2235 of 2014 seeking direction to send him for training due to closure of the criminal case against him. The Tribunal by order, dated 15.09.2014 directed the respondent authorities to consider the petitioner's request for training keeping in view of the acquittal in criminal case. Pursuant to the said order, the petitioner's case was examined and 2nd respondent issued speaking order vide Memo in Rc.No.114/R&T/Admin.2/ 2013, dated 22.12.2014 rejecting the request of the petitioner to send him for training. Subsequently, O.A.No.1381 of 2013 was dismissed for default by order, dated 24.06.2016 by the Administrative Tribunal. Seeking to set aside the dismissed for default order, the petitioner filed M.A.No.1675 of 2016 and it was dismissed on 24.10.2017. Thereafter, the Tribunal by its order, dated 24.06.2016 has dismissed the O.A. No.1381 of 2013.

(iv) Against the order, dated 24.06.2016 in O.A.No.1381 of 2013, the petitioner approached this Court by filing W.P.No.21470 of 2019. A Division Bench of this Court by its order, dated 03.01.2020 set aside the order, dated 24.10.2017 of the Andhra Pradesh Administrative Tribunal in M.A.No.1675 of 2016 in O.A.No.1381 of 2013 and restored the O.A. to its file subject to payment of costs. Thereafter, O.A.No.1381 of 2013 was restored to its file. After abolition of the Andhra Pradesh Administrative Tribunal, the O.A.No.1381

of 2013 was transferred to this High Court and it was renumbered as W.P.(AT) No.22 of 2021. After hearing, the learned single Judge of this Court was pleased to dismiss the same by order, dated 13.04.2025. Aggrieved by the same, the petitioner filed this Writ Appeal.

5. **The case of the respondents:-**

(i) Pursuant to the notification issued by the Chairman, State Level Police Recruitment Board, Andhra Pradesh in Rc.No.670/R&T/Genl.2/2008, dated 30.12.2008 (2) for filling up the posts of SCT PCs and equivalent ranks. The petitioner applied for the post of SCT PC (Civil, AR and APSP) etc. He participated in the selection process and provisionally selected to the post of SCT PC (Civil) (Men) in Nellore District. During antecedents verification, it came to light that the petitioner was involved in a criminal case in Crime No.6 of 2010 registered on 03.01.2010 for the offences under Sections 147, 148, 452, 323, 324, 427 r/w 149 Indian Penal Code of Butchireddypalem Police Station as Accused No.13. The case was charge sheeted on 16.02.2010. Subsequently, the Additional Judicial Magistrate of First Class, Kovur in its judgment, dated 19.03.2014 acquitted the petitioner under Section 248(1) of the Code of Criminal Procedure.

(ii) It is mentioned at paras 21 and 22 of the notification stating that no person shall be eligible for appointment to any service by direct recruitment unless he satisfies the selection authority as well as the appointing authority that his character and antecedents are such as to qualify him for such service.

Suppression of material facts or withholding any factual information either in the application or in the attestation form (which would be supplied to the candidates who will be provisionally selected) will disqualify the candidate from being considered for appointment. In the event of any information being found false or incorrect or ineligibility being detected at any time even after appointment, he/she will be discharged from service forthwith by the appointing authority without giving any notice.

(iii) Further as per Rule 12(1)(a)(ii) of the A.P. State & Subordinate Service Rules, 1996, no person shall be eligible for appointment to any service by direct recruitment unless he satisfies the selection authority as well as the appointing authority that his character and antecedents are such as to qualify him for such service.

(iv) Para 3(F) of G.O.Ms.No.97 of Home (Legal.II) Department, dated 01.05.2006, it is stated that no person shall be eligible for appointment to any service by direct recruitment unless he satisfies the selection authority as well as the appointing authority that his character and antecedents are such as to qualify him for such service.

(v) The petitioner has submitted the attestation form on 23.12.2010. A case was registered against the petitioner on 03.01.2010 and charge sheeted on 16.02.2010 and he got acquitted on 19.03.2014. It clearly indicates that the petitioner's case was pending trial when he submitted the attestation form. He was deliberately suppressed the fact of his involvement in criminal case by not

mentioning the details of criminal case in column No.16 of the attestation form. He also signed the declaration stating that he was fully aware that furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and likely to render him unfit for employment under the Government. In view of the same, his case was not considered for appointment as Police Constable and order of cancellation of selection was issued on 29.04.2011. By order, dated 15.09.2014 in M.A.No.2235 of 2014 in O.A.No.1381 of 2013, the Andhra Pradesh Administrative Tribunal directed the respondent authority to consider the request of the petitioner to send him for training keeping in view of his acquittal in criminal case. The request of the petitioner has been considered once again keeping in view of his acquittal in the said criminal case and it was rejected vide Memo, dated 22.12.2014. The rejection order is in accordance with the relevant rules and as per the decisions of the Apex Court.

6. **Submissions of the learned counsel for the petitioner:**

(i) The learned counsel for the petitioner would submit that mere suppression of certain information of trivial nature does not disentitle the petitioner for being considered for appointment to the post of police constable. Taking into fact that the case was ended in acquittal, a lenient view should have been taken. The learned counsel would submit that the request of the petitioner to send for training pursuant to the order, dated 24.06.2016 of the Andhra Pradesh Administrative Tribunal, rejected by order, dated 22.12.2014

without considering it objectively and reasonably. The learned counsel submits that the petitioner became a scapegoat in the village politics at the behest of the trivial. The petitioner hails from a poor family and with his hard work, he provisionally selected as Police Constable. The learned counsel further submits that only due to fear of loss of job in the event of disclosing the case, the petitioner did not mention the same in the attestation form. The learned counsel contends that except registration of this case, prior to that or after that, there is no any criminal antecedents against the petitioner and no complaints are there. Taking into consideration of the same, the learned single judge ought to have allowed the writ petition in the light of the decisions of the Apex Court in identical matters.

7. **Submissions of the learned Government Pleader appearing for respondents:**

The learned Government Pleader appearing for respondents contends that the petitioner deliberately suppressed the truth and as such the competent authority has rightly rejected the request of the petitioner basing on the observations of the Apex Court. He further contends that the acquittal is not a honourary acquittal after full pledged trial and after considering the whole evidence holding him in such offence is committed or proved but the acquittal is based on hostility of the prosecution witnesses. The learned Government Pleader submits that the case against the petitioner and counter case arisen on the same day as case and counter case due to attack by one

party against the other and therefore mere acquittal based on the hostile evidence cannot be treated as a clean acquittal. He further contends that the case against the petitioner is not a trivial offence, but it is a grave offence. Therefore, it is not a fit case to appoint the petitioner as a Police Constable which job involves maintenance of law and order. He further contends that when the State has a choice to appoint a person of good character, State should not choose person whose character is dubious and objectionable. Accordingly, the learned Government Pleader would submit that Rule 12 of the Andhra Pradesh State and Subordinate Service Rules, 1996 vests wide amplitude powers to deny employment based on antecedents in addition to Stipendiary Cadet Trainee Rules, 1999. Accordingly, he would submit that there is no illegality or infirmity in the order of the learned single Judge and interference of the same is not required.

8. Having heard the submissions of the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and upon careful examination of the material available on record, the following admitted facts are emerged for consideration:

(a) The petitioner submitted application for the post of Police Constable pursuant to the notification, dated 13.12.2008.

(b) The petitioner participated in the selection process and provisionally selected to the post of Police Constable in Nellore District.

(c) A case was registered in Crime No.6 of 2010, dated 03.10.2010 of Butchireddypalem Police Station and the petitioner was implicated as Accused No.13 and the said case was charge sheeted on 16.02.2010.

(d) The petitioner has submitted the attestation form on 23.12.2010.

(e) The petitioner was acquitted in the said criminal case vide judgment, dated 13.03.2014 of the Additional Judicial Magistrate of First Class, Kovur.

(f) The provisional selection of the petitioner as Police Constable was cancelled by order, dated 29.04.2011.

(g) The petitioner approached the Andhra Pradesh Administrative Tribunal by filing O.A.No.1381 of 2013.

(h) On 15.09.2014 in M.A.No.2235 of 2014 in O.A.No.1381 of 2013, the Andhra Pradesh Administrative Tribunal directed the respondent authorities to consider the request of the petitioner for sending for training in view of his acquittal in criminal case. Pursuant to the said order, the request of the petitioner has been considered and it was rejected vide Memo, dated 22.12.2014.

(i) Thereafter, O.A.No.1381 of 2013 was dismissed for default by order, dated 24.06.2006 by the Andhra Pradesh Administrative Tribunal and it was restored to its file pursuant to the order, dated 03.10.2020 in W.P.No.21470 of 2019 of a Division Bench by this Court. Subsequently, due to abolition of the Andhra Pradesh Administrative Tribunal, the said O.A.No.1381 of 2013 was

transferred to this High Court and it was renumbered as W.P.(AT) No.22 of 2021.

(j) The learned single Judge of this Court dismissed the said W.P. (AT) No.22 of 2021 by order, dated 13.04.2025.

9. In this factual position, the issues that arise for consideration before this Court are:

(1) Whether the State was justified in cancelling the provisional selection of the appellant/petitioner as Police Constable vide order, dated 29.04.2011 and the Memo No.114/R&T/Admn.2/2013, dated 22.12.2014?

(2) To what relief, is the appellant/petitioner entitled to?

10. In fact, the law on this issue is settled by the Apex Court in the case of **Commissioner of Police and others Vs. Sandeep Kumar¹; Avtar Singh Vs. Union of India and others²** and in the latest judgment of the Apex Court in **Ravindra Kumar Vs. State of U.P. and others³**.

11. In *Sandeep Kumar's case* (1 supra), the Apex Court made thoughtful observations in the light of the classic judgment in **Morris v. Crown Office⁴** while considering the story of the character "Jean Valjean" in Victor Hugo's novel *Les Miserables*, where the character was branded as a thief for stealing

¹ (2011) 4 SCC 644

² (2016) 8 SCC 471

³ 2024 INSC 131

⁴ (1970) 2 QB 114

a loaf of bread for his hungry family. The relevant observations extracted as herein under:

“10... ..

In our opinion, we should display the same wisdom as displayed by Lord Denning.

11. As already observed above, youth often commits indiscretions, which are often condoned.

12. It is true that in the application form the respondent did not mention that he was involved in a criminal case under Sections 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.”

12. In *Avtar Singh's case* (2 supra), in view of the observations in the case of *Sandeep Kumar* (1 supra), the Apex Court made the following observations:

“24... .. This Court has observed that suppression related to a case when the age of Sandeep Kumar was about 20 years. He was young and at such age people often commit indiscretions and such indiscretions may often be condoned. The modern approach should be to reform a person instead of branding him a criminal all his life. In [Morris v. Crown Office, (1970) 2 QB 114 : (1970) 2 WLR 792 (CA)] , the observations made were that young people are no ordinary criminals. There is no violence, dishonesty or vice in them. They were trying to preserve the Welsh language. Though they have done wrong but we must show mercy on them and they were permitted to go back to their studies, to their parents and continue the good course.”

13. The relevant para Nos.34, 35, 36 and 38 in *Avtar Singh's case* (2 supra) are extracted herein under:

“34. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, but ultimate action

should be based upon objective criteria on due consideration of all relevant aspects.

35. Suppression of “material” information presupposes that what is suppressed that “matters” not every technical or trivial matter. The employer has to act on due consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.

36. What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post/nature of duties/services and power has to be exercised on due consideration of various aspects.

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.”

(Emphasis supplied)

14. in *Avtar Singh's case* (2 supra), the Apex Court has been clearly laid down that though a person who has suppressed the material information cannot claim unfettered right for appointment, he or she has a right not to be

dealt with arbitrarily. The exercise of power has to be with objectivity and in a reasonable manner taking into consideration the facts of the case.

15. In **Ram Kumar vs. State of U.P. and others**⁵, the Apex Court while granting relief in an identical facts, held as extracted herein under:

“9. We have carefully read the Government Order dated 28-4-1958 on the subject “Verification of the character and antecedents of government servants before their first appointment” and it is stated in the government order that the Governor has been pleased to lay down the following instructions in supersession of all the previous orders:

“The rule regarding character of candidate for appointment under the State Government shall continue to be as follows:

The character of a candidate for direct appointment must be such as to render him suitable in all respects for employment in the service or post to which he is to be appointed. It would be the duty of the appointing authority to satisfy itself on this point.

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12. On a reading of the order dated 18-7-2002 of the Additional Chief Judicial Magistrate it would show that the sole witness examined before the court, PW 1, Mr Akhilesh Kumar, had deposed before the court that on 2-12-2000 at 4.00 p.m. children were quarrelling and at that time the appellant, Shailendra and Ajay Kumar amongst other neighbours had reached there and someone from the crowd hurled abuses and in the scuffle Akhilesh Kumar got injured when he fell and his head hit a brick platform and that he was not beaten by the accused persons by any sharp weapon. In the absence of any other witness against the appellant, the Additional Chief Judicial Magistrate acquitted the appellant of the charges under Sections 323/34/504 IPC. On these facts, it was not at all possible for the appointing authority to take a view that the appellant was not suitable for appointment to the post of a police constable.

13. The order dated 18-7-2002 of the Additional Chief Judicial Magistrate had been sent along with the report dated 15-1-2007 of Jaswant Nagar Police Station to the Senior Superintendent of Police, Ghaziabad, but it appears from the order dated 8-8-2007 of the Senior Superintendent of Police, Ghaziabad, that he has not gone into the question as to whether the appellant was suitable for appointment to service or to the post of constable in which he was appointed and he has only held that the selection of the appellant was illegal and irregular because he did not

⁵ (2011) 14 SCC 709

furnish in his affidavit in the pro forma of verification roll that a criminal case has been registered against him.

14. As has been stated in the instructions in the Government Order dated 28-4-1958, it was the duty of the Senior Superintendent of Police, Ghaziabad, as the appointing authority, to satisfy himself on the point as to whether the appellant was suitable for appointment to the post of a constable, with reference to the nature of suppression and nature of the criminal case. Instead of considering whether the appellant was suitable for appointment to the post of male constable, the appointing authority has mechanically held that his selection was irregular and illegal because the appellant had furnished an affidavit stating the facts incorrectly at the time of recruitment.

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17. For the aforesaid reasons, we allow the appeal, set aside the order of the learned Single Judge and the impugned order of the Division Bench and allow the writ petition of the appellant and quash the order dated 8-8-2007 of the Senior Superintendent of Police, Ghaziabad. The appellant will be taken back in service within a period of two months from today but he will not be entitled to any back wages for the period he has remained out of service. There shall be no order as to costs.”

16. In **Pavan Kumar vs. Union of India and another**⁶, the Apex Court held as extracted herein under:

“11. This cannot be disputed that the candidate who intends to participate in the selection process is always required to furnish correct information relating to his character and antecedents in the verification/attestation form before and after induction into service. It is also equally true that the person who has suppressed the material information or has made false declaration indeed has no unfettered right of seeking appointment or continuity in service, but at least has a right not to be dealt with arbitrarily and power has to be judiciously exercised by the competent authority in a reasonable manner with objectivity having due regard to the facts of the case on hand. It goes without saying that the yardstick/standard which has to be applied with regard to adjudging suitability of the incumbent always depends upon the nature of post, nature of duties, effect of suppression over suitability to be considered by the authority on due diligence of various aspects but no hard and fast rule of thumb can be laid down in this regard.

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

⁶ (2022) SCC OnLine SC 532

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 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 being 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.

19. Consequently, the appeal succeeds and is allowed. The judgment of the Division Bench of the High Court dated 17th November, 2015 and the order of discharge dated 24th April, 2015 and dated 23rd December, 2021 are hereby quashed and set aside. The Respondents are directed to reinstate the appellant in service on the post of Constable, on which he was selected pursuant to his participation in reference to employment notice no. 1/2011 dated 27th February, 2011. 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 and at the same time he will be entitled for all notional benefits, including pay, seniority and other consequential benefits, etc. Necessary orders shall be passed within a period of one month from today. No costs.”

17. In **Mohammed Imran vs. State of Maharashtra and Others**⁷, the Apex Court made the following observation, as extracted herein under:

“5. Employment opportunities are a scarce commodity in our country. Every advertisement invites a large number of aspirants for limited number of vacancies. But that may not suffice to invoke sympathy for grant of relief where the credentials of the candidate may raise serious questions regarding suitability, irrespective of eligibility. Undoubtedly, judicial service is very different from other services and the yardstick of suitability that may apply to other services, may not be the same for a judicial service. But there cannot be any mechanical or rhetorical incantation of moral turpitude, to deny appointment in judicial service simplicitor. Much will depend on the facts of a case. Every individual deserves an opportunity to improve, learn from the past and move ahead in life by self-improvement. To make past conduct, irrespective of all considerations, an albatross around the neck of the candidate, may not always constitute justice. Much will, however depend on the fact situation of a case.”

⁷ (2019) 17 SCC 696

18. The latest judgment in *Ravindra Kumar's case (3 supra)*, the Apex Court held at paras 28 and 30 as extracted herein under:

“28. 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.”

30. 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.”

19. In the light of the principles of law settled by the Apex Court as extracted herein above, this Court has noted the following certain special features in the present case:

(i) The petitioner hailed from the rural village of Nellore District and belonged to downtrodden Section.

(ii) As on the date of the submitting the application for Police Constable selection and as on the date of the provisional selection, no criminal case is pending against him.

(iii) A criminal case was registered in Crime No.6 of 2010 and the petitioner was shown as Accused No.13 on 03.01.2010.

(iv) In the small village of the petitioner, all are aware that the petitioner was selected in the Police Constable recruitment and it can be assumed that he was implicated in the said case as afterthought to damage his job prospects.

(v) It is also an admitted fact that counter-cases are registered at that time.

(vi) Admittedly, in the attestation form on 23.12.2010, the petitioner did not mention about the pendency of the criminal case. This may be done due to fear that he may lose the prospect of his employment.

(vii) The petitioner was acquitted by the learned Additional Judicial First Class Magistrate, Kovur by its judgment, dated 19.03.2014 holding that there is no incriminating evidence to fasten guilty on accused and the prosecution has failed to drive home the guilt of accused for the offences charged against the petitioner by adducing convincing evidence.

(viii) It is very important to note that there is no criminal record against the petitioner prior to registering the case in Crime No.6 of 2010 or subsequent to that and the said fact was not considered by the competent authority while cancelling the provisional selection of the petitioner as Police Constable,.

(ix) The appointing authority without considering whether the petitioner was suitable for appointment or not, in a casual manner cancelled the petitioner's provisional selection as Police Constable as per Service Rules and some executive orders.

(x) The appointing authority without considering the facts and circumstances of the case and under what circumstances, the petitioner was implicated in a criminal case, has cancelled the provisional selection of the petitioner as Police Constable arbitrarily and without exercising the power in a reasonable manner with objectivity.

20. **Analysis and finding:**

1) In catena of Judgments, in addition to the Judgments stated supra, the Supreme Court has adopted a realistic and pragmatic approach moving away from the mechanical "automatic disqualification" stance. This sensitive shift towards a more discretionary approach, considering each such case as unique intertwined with various complex socio cultural issues and background scenarios impacting the particular individual cases distinctly.

2) Here is a breakdown of the key principles established in the cases cited herewith:

Ravindra Kumar v. State of Uttar Pradesh (2024): The Court ruled that an error in disclosure shouldn't be treated as a "fatal flaw" if the underlying incident was trivial or resulted in an acquittal. It emphasised that authorities must act fairly rather than mechanically cancelling a candidacy.

3) Whereas *Avtar Singh v. Union of India (2016)*: is the landmark "foundation" case.

It established that even if a candidate suppresses some piece of information, the employer cannot terminate them arbitrarily. The employer must consider the nature of the offence, the age of the candidate at the time, and whether the person is fit for the specific post. Probing the intent was emphasised in this judgement. If the suppression was a "bona fide" mistake regarding a minor issue (like a quashed FIR or a petty case), the candidate should not be deprived of their livelihood.

- 4) While the learned Single Judge likely focused on the technical "violation of rules" (non-disclosure), the Supreme Court has repeatedly ruled that a mechanical rejection without looking at the nature of the case is "arbitrary and unjust."
- 5) Applying the "holistic view" approach adopted in recent *Ravindra Kumar's case* (3 supra) by the Apex Court, this case needs to be considered positively.
- 6) In *Ravindra Kumar v. State of U.P. (2024)*, the Supreme Court explicitly stated that non-disclosure of a criminal case that ended in acquittal is not always fatal for employment. The court must check if the suppression was "wilful" or a "bona fide" mistake. The courts have warned against "broad-brushing" every instance of non-disclosure as a disqualification. The Andhra Pradesh High Court itself has noted that such rigidity is "completely oblivious to ground realities" and each case must be assessed on its own merits.
- 7) In *Avtar Singh's case*, it was held that the employer must consider if the offense involved moral turpitude. A local village feud in which tribal factions approach police on trivial issues with case vs. counter-cases is often considered and a local dispute rather than with a deep-seated criminal character. The young man who was already got selected to a police constable job may have been wantonly booked as an accused

after a dozen and odd names without his involving in any skirmish. The petitioner was not involved in any other cases before or after this particular case in which was acquitted later. This shows that his getting an opportunity to become part of the law and order machinery was wantonly tried to be obstructed by some local vested interests.

- 8) The "Triviality" of the nature of the offence he was made a party to, If the young man was merely one of many accused (Accused No.13) in a general tribal village scuffle, this is often viewed as a petty or trivial matter that should not cost him his entire career. As deep rooted genetic, epigenetic causes and impact of environmental circumstances influence the opportunities and hurdles in an individual's career growth path. The petitioner from a remote tribal family background shouldn't lose the chance to serve the nation just because one small case in which his name was remotely placed and later got acquitted.
- 9) While some of the elite people in society who are accused in several grave criminal offences are facilitated to contest to the highest legislative roles until they are held guilty, an ordinary educated tribal youth shouldn't be denied an opportunity to serve the society as a constable. If this opportunity is denied to him, he won't be eligible for any such jobs in future which would push such lower rung marginalized youth towards anti social violence spreading criminal groups. So in the interest of the individual and society at large, considering the petitioner's clean antecedents and conduct throughout this period of waiting, we hold that the cancellation of provisional selection of the petitioner to the post of Police Constable (Civil) is illegal, arbitrary and such order was passed by the appointing authority without exercising power with objectivity and in a reasonable manner and thus it is liable to be quashed.

21. For the aforesaid reasons, this writ appeal is allowed with the following directions:

(1) The order, dated 30.04.2025 of the learned single Judge of this Court in W.P.(AT) No.22 of 2021 is hereby set aside.

(2) The cancellation orders vide Memorandum Rc.No.691/R&T/Genl.2/2020, dated 29.04.2011 and Memorandum Rc.No.114/R&T/Admn.2/2013, dated 22.12.2014, issued by the 2nd respondent are hereby quashed.

(3) The respondents are directed to appoint the appellant/petitioner in service for the post of Police Constable (Civil) for which he was provisionally selected, pursuant to his participation in the selection process under notification-2008(2) of State Level Police Recruitment Board, Andhra Pradesh, within a period of four (04) weeks from today.

(4) The appellant/petitioner is entitled for all notional benefits, including pay, seniority and other consequential benefits.

(5) The appellant/petitioner is not entitled for the arrears of salary for the period during which he is not served.

22. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE SUBHENDU SAMANTA

Dated: 06.05.2026
PGR

**THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA**

WRIT APPEAL No.1364 of 2025

Dated: 06.05.2026

PGR