



Serial No. 49
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 104 of 2025

Date of Decision: 22.04.2026

Sambhaji Suresh Thombare,
S/o Suresh Waman Thombore,
R/o Village-Ranjona, Post-Khandegaon,
Taluka-Basmath, Dist. Hingoli,
Maharashtra-431512

... Petitioner(s)

Versus

1. Union of India represented by
The Home Secretary, Ministry of Home Affairs,
Govt. of India, North Block, New Delhi-110001.

2. Assam Rifles through its
Director General Assam Rifles,
Shillong-793010, Meghalaya

3. Director General of Assam Rifles, Assam Rifles,
Shillong-793010, Meghalaya

... Respondent(s)

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Ms. S.K. Lamba, Adv. with
Ms. M. Sohmat, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv.



i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The brief facts of the case are that the writ petitioner had applied for the post of Havildar (clerk) under the General category and thereafter had successfully qualified in the selection process, and was called for Detailed Medical Examination, wherein he was declared fit. However, his name was excluded from the final merit list and his candidature cancelled due to a pending criminal case under various charges of the IPC and Scheduled Castes and Scheduled Tribes Act. The cancellation of his candidature on this ground, vide the impugned order dated 08.10.2024, has been assailed by way of this instant writ petition.

2. Ms. S.K. Lamba, learned counsel for the petitioner submits that the petitioner applied for the post of Havildar (clerk) under the General category and had successfully completed all four stages of the selection process but when the final merit list was published on 18.08.2023, only 8(eight) candidates were selected for 10(ten) advertised posts for Maharashtra and the petitioner's name did not figure in the said list. It is submitted that thereafter the writ petitioner had filed a writ



petition before the Delhi High Court for directions for filling up the remaining posts, which however was not pressed on the ground of maintainability. The petitioner she submits, then filed WP(C) No. 348 of 2024, before this Court praying for filling up a vacancy that remains unfilled, but however on the candidature of the petitioner being cancelled by order dated 08.10.2024, on the ground of pendency of a criminal case, then withdrew the said writ petition and instituted the same afresh.

3. The learned counsel has submitted that though the writ petitioner had not disclosed the pendency of a criminal case at the time of application, the same was duly informed when he had appeared for the Detailed Medical Examination, wherein he had even produced the copy of the FIR registered against him, and that the petitioner had also duly filled up a Criminal Proceeding Registration form. As such, she submits it cannot be held that the petitioner has concealed the fact that a criminal case had been registered against him. In support of her submissions has placed the following judgments:-

i) Ravindra Kumar vs. State of U.P. & Ors. Civil Appeal No. 5902 of 2012

ii) Prashant Deep vs. High Court of Delhi WP(C) 1960/2019

4. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondents in reply has submitted that it is correct



that the petitioner had qualified all the mandatory tests, but as his Character Certificate was found suspicious, though his name was placed in the final merit list, it was kept on the suspected list. The learned DSGI submits that the office of the Superintendent of Police, Hingoli, while issuing the Police Clearance Certificate dated 14.06.2023, had remarked that there was a registered offence at Hatta Police Station under Sections 353, 332, 504, 506, 143, 147, 148, 149, 341, 427 IPC and under Sections 3(2) (va), 3(2) (5), 3(1) (r), 3(1)(s), under the Prevention of Atrocities against the Scheduled Castes and Scheduled Tribes, Act. Thereafter, he submits, clarification was sought from the Superintendent of Police, Hingoli on 17.04.2024, which was then confirmed by the said office on 04.07.2024. The learned DSGI has then submitted that the advertisement against which the writ petitioner had put his application at clause 28 thereof, had categorically stated that in case the information furnished by the candidate in the application form is found to be false at any stage of the recruitment rally and even at a later stage, the candidature of such candidate would be summarily rejected without any notice. Thus he submits, it was on this ground that the candidature of the petitioner was cancelled.

5. It is then contended by the learned DSGI that the cancellation is not arbitrary but has been done as per clause 28 of the advertisement,



and that moreover, the offences registered against the petitioner are not minor offences. It must be remembered he submits, that the recruitment is with regard to personnel in the Assam Rifles, wherein a rigorous selection process is essential to ensure that only trustworthy and patriotic citizens are selected into the force, which is responsible for the safety and security of the nation. The learned DSGI has cited the case of *Avtar Singh vs. Union of India* reported in *(2016) 8 SCC 471*, in support of his arguments.

6. Heard learned counsel for the parties. From the submissions as discussed above, the only point in issue to be considered is whether the decision of the respondents to cancel the candidature can be held to be arbitrary and liable to be interfered with by this Court. In the instant case, a striking feature that in the advertisement calling for applications dated 20.01.2023, clause 28 has clearly stipulated as follows:-

***“28. Rejection of Application. In case the information furnished by the candidates in the Application Form is found to be false at any stage of the Recruitment Rally and even at a later stage, the candidature of such candidates will be summarily rejected without any notice. Appropriate action will also be taken against such candidates as per the provision of law by registering an FIR with the Police.*”**

7. On a perusal of the above noted clause, it is noted that it clearly mandates the furnishing of correct information in the application form itself. The fact that the petitioner did not disclose the pendency of a criminal case in the application form is undisputed, inasmuch as, by his



own admission it was only at the stage of the Detailed Medical Examination that the same was divulged. It is also noted that the respondents while verifying the documents of the petitioner, his Character Certificate was found suspicious as the Police Clearance Certificate, had remarked about the existence of the pending case against the petitioner. The respondents it is seen, had then sought verification after placing the name of the candidate in the suspect list and once it was confirmed that indeed there was a pending case, his candidature then was cancelled. As such, in the considered view of this Court, by the operation of Clause 28 of the Advertisement, the petitioner by not disclosing the pendency of the case in the initial stage itself, the cancellation of his candidature cannot be said or held to be arbitrary.

8. In the decision relied upon by the learned DSGI i.e. ***Avtar Singh vs. Union of India*** (supra), the Supreme Court in the matter of the grounds of termination for furnishing wrong or incorrect information or in suppressing materials information at Para-32 and 33 thereof, had held as follows:-

32. No doubt about it that once verification form requires certain information to be furnished, declarant is duty bound to furnish it correctly and any suppression of material facts or submitting false information, may by itself lead to termination of his services or cancellation of candidature in an appropriate case. However, in a criminal case incumbent has not been acquitted and case is pending



trial, employer may well be justified in not appointing such an incumbent or in terminating the services as conviction ultimately may render him unsuitable for job and employer is not supposed to wait till outcome of criminal case. In such a case non disclosure or submitting false information would assume significance and that by itself may be ground for employer to cancel candidature or to terminate services.

33. The fraud and misrepresentation vitiates a transaction and in case employment has been obtained on the basis of forged documents, as observed in M. Bhaskaran's case, it has also been observed in the reference order that if an appointment was procured fraudulently, the incumbent may be terminated without holding any inquiry, however we add a rider that in case employee is confirmed, holding a civil post and has protection of [Article 311\(2\)](#), due inquiry has to be held before terminating the services. The case of obtaining appointment on the basis of forged documents has the effect on very eligibility of incumbent for the job in question, however, verification of antecedents is different aspect as to his fitness otherwise for the post in question. The fraudulently obtained appointment orders are voidable at the option of employer, however, question has to be determined in the light of the discussion made in this order on impact of suppression or submission of false information.

9. With regard to the cases cited by the counsel for the writ petitioner *Ravindra Kumar vs. State of U.P. & Ors* and *Prashant Deep vs. High Court of Delhi* (supra), the same in the opinion of this Court would be of no assistance to the petitioner, inasmuch as, the instant case stands on a distinct footing and also the job applicants therein had been acquitted from the criminal cases.



10. In the circumstances therefore, the respondents having exercised their discretion reasonably and objectively in cancelling the candidature of the writ petitioner, no interference is called for and the writ petition stands dismissed.

11. No order as to costs.

JUDGE

Meghalaya
22.04.2026
"V. Lyndem-PS"