



2026:UHC:4410-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

SPECIAL APPEAL NO. 31 OF 2025

2ND JUNE, 2026

Vipin Appellant

Versus

Director General of Police & another Respondents

Counsel for the appellant : Ms. Indu Sharma, learned counsel

Counsel for the respondents : Mr. Gajendra Tripathi, learned
Standing Counsel for the State

The Court made the following:

JUDGMENT:

1) The instant intra-court appeal is directed against the order of learned Single Judge dated 29.06.2018 whereby WPSS No. 224 of 2017, filed by the writ petitioner seeking a writ of mandamus directing the respondents to reinstate the petitioner in service as a constable, came to be dismissed.

2) It appears that during the selection process for the post of constable in civil police, the appellant



succeeded in getting selected on basis of an incorrect declaration given by way of an affidavit that no criminal case was pending against him and that he had never been convicted in any criminal case. It is noteworthy that although in the writ petition the appellant sought a direction for his reinstatement, but he did not challenge the order of termination.

3) The learned Single Judge dismissed the writ petition by the following order :

“Mr. Rajendra Arya, Advocate holding brief of Mr. Sandeep Kothari, Advocate for the petitioner.

Mr. M. S. Bisht, Brief Holder for the State of Uttarakhand / respondents.

Petitioner was selected as Constable in Civil Police, Pauri Garhwal. Petitioner had filed an affidavit to the effect that there is no criminal case pending against him. Even in the application form, he has mentioned the same. During the process of character verification, it came to the knowledge of respondents that a criminal case under Section 302/34, 201/34 IPC and Section 3(2) (5) of the SC/ST Act in police station Mangalore, District Haridwar is pending. Though in the said criminal case petitioner was acquitted by the CJM, Pauri Garhwal but the fact remains that he has suppressed the information and tried to obtain appointment by playing fraud.

The case pending against a person might not involve moral turpitude but suppressing of this information itself amounts to moral turpitude. It is a



settled proposition of law that where an applicant gets an office by misrepresenting the facts or by playing fraud upon the competent authority, such an order cannot be sustained in the eye of the law.

In view of the above, writ petition fails and is hereby dismissed.”

4) The present appeal is beyond time by 1701 days. We have gone through the explanation given by the appellant in the affidavit filed in support of delay condonation application and, we find that the petitioner has utterly failed to explain the inordinate delay and laches of more than five years. The stand taken in the application that the appellant had handed over his papers to another counsel, but he died and, thereafter, the petitioner engaged another counsel and filed the writ petition, is not believable inasmuch as, even name of the previous counsel to whom the papers were allegedly handed over and who is stated to have died, is not given. On the face of it the story set up by the petitioner in the affidavit is apparently false.

5) The appellant, as noted above, was terminated from the service because he had given a wrong declaration at the time of seeking appointment with regard to the pendency of criminal cases against him.



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Once again, for seeking the condonation of delay, an apparently false story has been set up and the affidavit filed in support of the same is also apparently false.

6) In consequence, the appeal is dismissed.

7. Pending application(s), if any, also stand disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 2ND JUNE, 2026
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