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

CNR No. DLHC010127382026

+ **W.P.(C) 4253/2026**

RAHUL KUMAR

.....Petitioner

Through: Dr. Amit George, Mr. Sahasradeep
Sharma, Mr. Ishaan Mukherjee and
Mr. Arnav Bhansari, Advocates with
Petitioner (in-Person).

versus

**NATIONAL HIGHWAYS INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD & ORS.**

.....Respondents

Through: Mr. Gaurav Khanna, Mr. Gautam
Barnwal, Ms. Sakshi Attri and Ms.
Astha Agarwal, Advocates for R-1 to
3.
Mr. Vikrant Nilesh Goyal, Mr.
Inderpreet Singh and Mr. Kunal Dixit,
Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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11.08.2026

**CM APPL. 52751/2026 (seeking permission to place on record subsequent
developments and additional documents)**

1. The Petitioner seeks to place on record the judgment dated 24th July, 2026 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 66457/2024, during the pendency of the present petition. By that judgment, the FIR which formed the basis of the impugned action has been quashed insofar as the Petitioner is concerned. The subsequent

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development bears directly upon the controversy before this Court and ought, therefore, to be taken into account. The application is accordingly allowed, and the judgment is taken on record.

2. With consent of counsel for the parties, the writ petition is taken up for disposal.

3. The application stands disposed of.

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4. The Petitioner was selected for appointment as Deputy Manager (Technical), Grade E2, with the National Highways and Infrastructure Development Corporation Limited¹ pursuant to Recruitment Notice No. 01/2025. He had appeared in GATE 2025 and secured All India Rank 45. A provisional offer of employment was issued on 17th November, 2025, and was followed by an appointment letter dated 25th November, 2025.

5. At the time of joining, the Petitioner disclosed in the Attestation Form that Karjain P.S. Case No. 43/2019 was pending against him. He also disclosed Criminal Miscellaneous No. 66457/2024 pending before the Patna High Court and referred to the interim order dated 8th August, 2025 by which further proceedings before the Court concerned had been stayed. NHIDCL itself records this disclosure in the impugned order.

6. On 12th December, 2025, NHIDCL sought complete particulars and documents concerning the criminal case. The Petitioner responded on the same date and furnished the FIR, the details of the proceedings and a certified copy of the order passed by the Patna High Court. There is, therefore, no issue in the present case of the Petitioner having withheld the existence of the FIR from NHIDCL. Indeed, the impugned order proceeds



on the contrary basis and expressly notices the disclosure made by him.

7. The Petitioner was not, in the meantime, kept outside service. Office Order No. 280/2025 dated 9th December, 2025 records his date of joining as 5th December, 2025 and attaches him to the Srinagar Division. He thereafter underwent the induction programme for newly recruited officers. By Office Order No. 33/2026 dated 3rd February, 2026, issued consequent upon the appointment of Deputy Managers (Technical), NHIDCL, the Petitioner was posted to PMU Sonamarg with immediate effect.

8. On 18th March, 2026, NHIDCL issued Office Order No. 75/2026. The order invokes paragraph 10.4 of the NHIDCL Recruitment and Promotion Rules, 2025, paragraph 13(xv) of the Recruitment Notice and paragraph 17 of the appointment letter. It then records that the Petitioner's "joining ... is not allowed", revokes the provisional offer of appointment and cancels his candidature with effect from the afternoon of that date.

9. There is an obvious incongruity in describing the action taken on 18th March, 2026 as one of not permitting the Petitioner to join. By then, he had joined more than three months earlier; NHIDCL had formally recorded his date of joining, assigned him duties, facilitated his training and subsequently issued a transfer and posting order. The substance of the impugned action, therefore, is discontinuance of an appointment which had already taken effect, though that appointment continued to remain provisional and subject to probation and background verification under the governing Rules.

10. Paragraph 10.4 of the Rules is material. It permits the Appointing Authority to revoke an offer where there are incomplete or inaccurate submissions, or where adverse observations emerge from the joining

¹ "NHIDCL"



documents or the background verification process. It further provides that appointments remain provisional until the joining formalities, including background verification, are completed to the satisfaction of the Recruitment Authority.

11. Paragraph 17 of the appointment letter is somewhat more specific. It contemplates discharge without further notice if something adverse emerges from character and antecedent verification which would have rendered the employee “ineligible for appointment in the first instance”.

12. Dr. Amit George, counsel for the Petitioner submits that none of these conditions stood attracted. The criminal case had been disclosed at the outset, every document sought by NHIDCL was supplied, and no adverse police verification was available when the impugned order was passed. It is further urged that the criminal case itself has now been quashed upon examination of the FIR and the case diary by the Patna High Court.

13. Mr. Gaurav Khanna, counsel appearing for Respondent Nos. 1 to 3, maintains that an employer is entitled to examine the antecedents of a candidate independently of whether the candidate has truthfully disclosed them. According to the Respondents, the allegations in the FIR were serious enough for NHIDCL to conclude that the Petitioner was unsuitable for appointment. It is, however, not disputed that FIR No. 43/2019 has since been quashed.

14. In undertaking such an assessment, the employer may have regard to the nature of the offence, the extent of the candidate’s involvement, the manner in which the criminal proceedings have concluded, and any indication of the candidate’s propensity to indulge in similar activities in future. The Supreme Court has recognised these considerations, particularly



in the context of recruitment to disciplined forces, in *Commissioner of Police v. Mehar Singh*².

15. On 18th March, 2026, NHIDCL's assessment therefore proceeded in the absence of any concluded adverse police verification. The registration of an FIR, by itself, is not a finding on character. The relevant inquiry was whether the nature of the allegations and the material available disclosed conduct bearing upon the Petitioner's suitability for the post.

16. The impugned order itself records that NHIDCL had sought a report from the Superintendent of Police, Supaul regarding the Petitioner's character, antecedents and the gravity of the charges, but that "no reply has been received ... till date". The police communication, though dated 17th January, 2026, bears endorsements dated 8th April, 2026, i.e. after the impugned order had been passed. Even that communication merely records the existence of FIR No. 43/2019, states that no other case was registered against the Petitioner at that police station, and notes that the investigation remained pending. It contains no adverse assessment of his character, antecedents or suitability for appointment.

17. The impugned order does not record any independent finding that a particular act attributed to the Petitioner rendered him unsuitable for the duties of Deputy Manager (Technical). It does not identify any overt act committed by him, nor conclude that the allegations disclosed conduct which would have made him ineligible for appointment in the first instance. After reproducing the governing provisions, it merely states that the pendency of FIR No. 43/2019 and the connected proceeding had been considered and proceeds to cancel the appointment.

² (2013) 7 SCC 685



18. The counter affidavit seeks to go further. It describes the allegations as serious and refers to assault upon teaching staff and damage to college property as justification for the decision. Those considerations, however, do not find expression in the order under challenge as a reasoned determination of the Petitioner's suitability. An administrative decision must ordinarily be a composite and self-sustaining one, containing the reasons which prevailed upon the authority in arriving at its conclusion. The authority cannot subsequently travel beyond the stand adopted and expressed in the impugned action by supplementing the reasons for the decision through its affidavit³.

19. It is at this stage that the subsequent judgment of the Patna High Court assumes considerable importance. On 24th July, 2026, Criminal Miscellaneous No. 66457/2024 was finally allowed, and Karjain P.S. Case No. 43/2019 was quashed insofar as the Petitioner is concerned. This was not an order resting merely upon a technical lapse in the prosecution.

20. The Patna High Court examined the FIR as well as the case diary and found that the incident arose out of a protest by students concerning internal marking, when the Petitioner was a 19-year-old student of the second year of B.Tech. The Court further recorded that no serious damage or injury had been caused and characterised the allegations as "very petty and trivial". More significantly, it found that the allegations in the FIR did not, *per se*, make out the offences alleged against the Petitioner. The case was accordingly held to fall within Category 1 of the categories of cases

³ See: *Mohinder Singh Gill v. Chief Election Commissioner* (1978) 1 SCC 405; *State of Punjab v. Bandeep Singh*, (2016) 1 SCC 724



identified in *State of Haryana v. Bhajan Lal*⁴, and the FIR was quashed.

21. The Patna High Court also took note of the fact that the investigation had remained inconclusive for several years without culminating in a charge-sheet. The Court observed that the investigation could not be permitted to continue indefinitely, as this would result in persecution in place of prosecution. It further expressly noticed that the pendency of the FIR was coming in the way of the Petitioner's future employment prospects.

22. The fact that an FIR was once registered does not disappear as a historical event. Its legal significance, however, cannot be divorced from the judicial order which has finally examined the very allegations on which NHIDCL relied. The distinction is important here. The Patna High Court did not merely bring the criminal proceedings to an end on account of an acquittal on the benefit of doubt or the failure of witnesses to support the prosecution. After examining the FIR and the case diary, it has held that the allegations are trivial and that the offences alleged are not made out.

23. Thus, even if the Respondents were entitled, when the matter was pending, to take the existence and nature of the criminal case into account while examining suitability, the position in which the parties stand today is materially different. The solitary criminal case relied upon in the impugned order has since been quashed upon findings which strike at the very substance of those allegations. There is no other adverse criminal antecedent on record. There is also no independent determination by NHIDCL, detached from the FIR, of misconduct or conduct incompatible with the post held by the Petitioner.

24. A remand for another consideration of the same material would, in

⁴ 1992 Supp (1) SCC 335



these circumstances, serve little purpose. It would permit a criminal proceeding which the competent High Court has found undeserving of continuation, and which remained under investigation for nearly seven years, to continue producing civil consequences under another description.

25. For these reasons, Office Order No. 75/2026 dated 18th March, 2026 cannot survive. The questions raised by the Petitioner concerning stigma and the requirement of prior notice need not be decided in this petition.

26. The writ petition is accordingly allowed in the following terms:

- (i) Office Order No. 75/2026 dated 18th March, 2026 is quashed.
- (ii) Respondent No. 1 shall reinstate the Petitioner to the post of Deputy Manager (Technical), Grade E2, within four weeks from today. The place of posting shall remain within the administrative domain of NHIDCL.
- (iii) The Petitioner shall have continuity of service from his original date of joining, namely 5th December, 2025. His *inter se* seniority in the batch recruited pursuant to Recruitment Notice No. 01/2025 shall be restored accordingly.
- (iv) The salary payable for the period from 5th December, 2025 to 18th March, 2026 having already been released pursuant to the earlier order of this Court, no further direction is required for that period.
- (v) For the period from 18th March, 2026 until actual date of reinstatement, the Petitioner shall not be entitled to arrears of salary, since he did not discharge duties during that period. The said period shall, however, count for continuity of service and seniority.
- (vi) FIR No. 43/2019, having been quashed against the Petitioner by the judgment dated 24th July, 2026, shall not be treated by NHIDCL as a subsisting adverse criminal antecedent in completing the Petitioner's



background verification. This will not prevent NHIDCL from completing any other verification permissible under the applicable Rules.

27. The pending application, if any, also stands disposed of.

28. Next date of hearing i.e. 17th November, 2026, stands cancelled.

SANJEEV NARULA, J

AUGUST 11, 2026

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