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

+ **W.P.(C) 10335/2026, CM APPL. 47858-47859/2026**

YASH ANIL GUPTA

.....Petitioner

Through: Mr. Yash Prashant Sonavane and
Mr. Sagar N. Pahune Patil,
Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Brijendra Chahar, ASG and Mr.
Vinay Garg, Senior Advocate with
Mr. Anukalp Jain, Ms. Ankita
Bhattacharjee, Mr. Karandeep Singh
and Mr. Abhijit Mittal, Advocates for
R-2, 3.
Mr. Nitinja Chaudhry, CGSC with
Mr. Varun P. Singh, GP with Mr.
Rahul Mourya, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.07.2026

1. The Petitioner, a person with benchmark disability suffering from 100% hearing impairment, has filed the present writ petition assailing the action of Respondent No. 2, GAIL (India) Limited, preventing him from continuing the training programme pursuant to his appointment as Executive Trainee (Mechanical), E-2 Grade.

Facts

2. The Petitioner completed his Bachelor's degree in Mechanical



Engineering from Visvesvaraya National Institute of Technology, Nagpur, qualified the GATE-2026 examination and thereafter applied pursuant to Advertisement dated 20th February, 2026 issued by Respondent No. 2, inviting applications for the post of Executive Trainee.

3. The Petitioner was shortlisted for the selection process and was issued an interview call letter dated 8th June, 2026. Following the selection process, Respondent No. 2 issued an offer of appointment dated 8th July, 2026 appointing the Petitioner as Executive Trainee (Mechanical), E-2 Grade and directing him to report for joining on 15th July, 2026.

4. The Petitioner reported for joining on 15th July, 2026 and completed the joining formalities, including submission of the prescribed attestation form and other documents. He was declared medically fit and thereafter commenced the induction/training programme on 17th July, 2026.

5. On 17th July, 2026, the Petitioner was directed not to continue with the training programme pending verification of his antecedents and his original documents were returned. The Petitioner thereafter addressed an email representation to the Respondents explaining his position regarding the declarations furnished during the recruitment process.

6. Aggrieved by the aforesaid action and apprehending denial of appointment on account of the pending criminal proceedings against him, the Petitioner has instituted the present writ petition seeking, *inter alia*, directions permitting him to continue with the training programme and consequential reliefs.

Submissions

7. Mr. Yash Prashant Sonavane, counsel appearing for the Petitioner, submits that the Respondents have prevented the Petitioner from continuing



the training programme on the ground that he failed to disclose the pendency of criminal cases during the recruitment process and had thereby suppressed material information. He submits that the allegation of suppression is wholly misconceived.

8. It is submitted that the online application form submitted pursuant to the recruitment advertisement did not contain any specific fields which required disclosure of pending criminal cases or First Information Reports. According to the Petitioner, the first occasion on which any information concerning criminal antecedents was sought was at the stage of joining, when the Petitioner was required to submit an attestation form.

9. The attestation form required the candidate to answer separate and specific queries relating to arrest, prosecution, detention, conviction, and the pendency of any criminal case before a court of law. The Petitioner furnished his responses to each of these queries in accordance with the factual position, answering in the affirmative wherever disclosure was warranted, including with respect to prosecution and the pendency of criminal proceedings, while answering in the negative to the queries relating to arrest, detention and conviction. Pursuant to the said disclosures, the Petitioner also furnished particulars of the pending criminal cases. Reliance is placed on the relevant extract of the attestation form, which reads as follows:



GAIL_Restricted

12 (i) क्या आप कभी गिरफ्तार किए गए हैं ?
Have you ever been arrested?

☐ हाँ/हाँ
☐ नहीं/No

(ii) क्या आप पर कभी मुकदमा चलाया गया है ?
Have you ever been prosecuted?

☐ हाँ/हाँ
☐ नहीं/No

(iii) क्या आपको कभी हवालात में रखा गया है ?
Have you ever been kept under detention?

☐ हाँ/हाँ
☐ नहीं/No

(iv) क्या आपको कभी बाध्य किया गया है ?
Have you ever been bound down?

☐ हाँ/हाँ
☐ नहीं/No

(v) क्या किसी न्यायालय ने आप पर जुर्माना लगाया है ?
Have you ever been fined by a Court of Law?

☐ हाँ/हाँ
☐ नहीं/No

(vi) क्या किसी न्यायालय द्वारा किसी अपराध के लिए आपको दोषी ठहराया गया है ?
Have you ever been convicted by a Court of Law for any offence?

☐ हाँ/हाँ
☐ नहीं/No

(vii) क्या आपको कभी किसी परीक्षा से वंचित या किसी विश्वविद्यालय या अन्य किसी शैक्षिक प्राधिकरण / संस्थान द्वारा प्रतिबंधित किया गया है ?
Have you ever been debarred from any examination or restricted by any university or Any other educational authority/institution?

☐ हाँ/हाँ
☐ नहीं/No

(viii) क्या कभी किसी लोक सेवा आयोग ने आपको अपनी किसी परीक्षा/घबन में उपस्थित होने से वंचित किया/अयोग्य ठहराया है ?
Have you ever been debarred/disqualified by any public service commission from appearing at its examination/selection?

☐ हाँ/हाँ
☐ नहीं/No

(ix) क्या इस सत्यापन फॉर्म को भरते समय किसी विश्वविद्यालय या अन्य किसी शैक्षिक संस्थान / प्राधिकरण में आपके विरुद्ध कोई मामला अनिर्णीत पड़ा है ?
Is any case pending against you in any university or any other educational authority/ Institution at the time of filling this attestation form?

☐ हाँ/हाँ
☐ नहीं/No

(x) क्या इस सत्यापन फॉर्म को भरते समय किसी न्यायालय में आपके विरुद्ध कोई मामला अनिर्णीत पड़ा है ?
Is any case pending against you in any court of law at the time of filling up this attestation form?

☐ हाँ/हाँ
☐ नहीं/No

(xi) यदि उपर्युक्त किसी भी प्रश्न का उत्तर हाँ है, तो मामले / गिरफ्तारी / हवालात में रखे जाने / जुर्माना / दोषी ठहराए जाने / दण्डादेश / दण्ड / आदि का पूरा विवरण दें और न्यायालय / विश्वविद्यालय / शैक्षिक प्राधिकरण आदि में इस मामले को भरते समय अनिर्णीत पड़े मामले का स्वरूप बताएं।

If the answer to any of the above mentioned question is 'Yes' give full particulars of the case/arrest/detention/fine/conviction/sentence/punishment etc. and the Nature of the case pending in the court/university/educational authority etc. at the time of filling up this form.

टिप्पणी / Note: (i) इस सत्यापन फॉर्म में ऊपर दी गई चेतावनी देखने का कष्ट करें।
Please also see the warning at the top of this attestation form.

(ii) प्रत्येक प्रश्न का निश्चित उत्तर 'हाँ' या 'नहीं' जैसा मामला हो, को काटकर देना चाहिए।
Specific answers to each of the questions should be given by striking out 'Yes' or 'No' as the case may be.



10. Mr. Sonavane further relies upon the affidavit dated 15th July, 2026, whereby the Petitioner disclosed the pendency of the criminal case registered against him, to contend that there was never any intention on his part to conceal material information from the Respondents.

11. As regards the pending criminal cases, it is submitted that they arise out of an *inter se* family property dispute involving the Petitioner's relatives and that the Petitioner has not been convicted in either case and continues to enjoy the presumption of innocence. Moreover, the offences alleged are neither grave nor serious, nor do they involve moral turpitude so as to render the Petitioner unsuitable for public employment.

12. It is also emphasised that the Respondents have issued a formal offer of appointment to the Petitioner, accepted his joining, declared him medically fit, facilitated the opening of a salary bank account and permitted him to commence training. Having done so, the Respondents could not thereafter unilaterally prevent him from continuing the training programme without any written order or opportunity of hearing.

13. On the aforesaid basis, it is argued that the Respondents ought to be directed to permit the Petitioner to resume the training programme and continue in service without being denied appointment merely on account of the pendency of the aforesaid criminal proceedings.

14. *Per contra*, Mr. Brijendra Chahar, ASGI, and Mr. Vinay Garg, Senior Counsel, appearing for Respondent Nos. 3 and 4, submit that the present case is not one of mere non-disclosure but of furnishing a false declaration regarding the Petitioner's criminal antecedents. It is contended that the Petitioner has failed to place before this Court the complete record relating to the recruitment process, thereby creating an erroneous impression that full



disclosure had been made.

15. They submit that, apart from the online application submitted pursuant to the advertisement, every shortlisted candidate was required, at the stage of document verification, to submit a detailed Application Form for Employment. In this regard, reliance is placed on the interview call letter dated 8th June, 2026 and the instructions enclosed therewith, which, *inter alia*, required candidates to submit the prescribed Application Form for Employment duly completed in all respects and specifically stipulated that the correctness of the information furnished by the candidates would be verified. The relevant portion of the instructions reads as follows:

“IMPORTANT

All the instructions mentioned below may be read carefully and complied.

1. *You have been shortlisted for appearing in the further Selection Process on provisional basis, based on the details in respect of qualification, percentage of marks, age, category etc. submitted by you in online application form. You are, therefore, requested to ensure that you are meeting the specifications and other eligibility conditions for the applied post as notified in the detailed Advertisement, prior to appearing in the further Selection Process. In case you have furnished incorrect information while submitting your online application with regard to qualifications, percentage of marks, age, category etc, you will not be permitted to appear in the further Selection Process and no traveling expenses will be reimbursed to you.*

2. *Please note that you will be allowed to appear in the further Selection Process for the above position subject to your meeting the advertised specifications and other eligibility conditions and on ensuring correctness of information given in your online application form. All such information submitted by you in your online application form will be verified at our end at the Selection Process venue with respect to all original documents/ testimonials. Any discrepancy will debar you from attending Selection Process and no TA will be paid. In case you do not meet the advertised specifications and other conditions, please do not report for attending the Selection Process.*

xx.....xx.....xx



4. Documents required to be brought on the day of selection process (with one set of photo copy duly self-attested): -

i. "Application form for Employment" duly filled in by you. Hyperlink to access the "Application form for Employment" is provided on GAIL website. Kindly affix passport size colour photograph and signature (a copy of the same photograph and signature which was uploaded in your online application form). ("Application for Employment" can be accessed in GAIL website "Careers Shortlisted Candidates Download Link for Application for employment"). The application for employment form has to be completed in all respect (Mention NA i.e. Not Applicable in any field which is not applicable in your case)

Kindly use "E MAIL ID" as user login which you have mentioned while filling the online application form.

ii. Print-Out of your Online Application Form submitted online in GAIL earlier, affixing the same passport size photograph which was submitted by you along with GATE-2026 application form and signature at the space provided [Refer Clause No. 8.12 of the detailed advertisement (Advt. No.: GAIL/OPEN/ET/2A/2025) hosted on GAIL website).

xx.....xx.....xx

9. In case you fail to comply with the instructions/guidelines as indicated above or in case it is found that you have attempted to misrepresent facts, your candidature for the post/ this further Selection Process call letter shall be treated as cancelled and withdrawn ab-initio and no Travelling Allowance will be reimbursed to you."

16. Both Senior Counsel, submit that, pursuant to the aforesaid instructions, the Petitioner submitted the prescribed Application Form for Employment on 15th June, 2026. The said Application Form for Employment is handed over across the board and is taken on record. The form contained a specific query requiring disclosure of criminal antecedents, which reads as follows:

"20. Have you ever been arrested in a criminal case or convicted, fined or imprisoned for violation of any law (excluding minor traffic violation) or is any criminal/ disciplinary / vigilance case pending/ever instituted against you or have you been barred/ disqualified by a Public Service



Commission/University or any other educational authority form (sic) appearing in its examinations ?”

17. In response to the aforesaid query, the Petitioner categorically answered in the negative despite the admitted pendency of two criminal cases against him. According to the Respondents, this constitutes a false declaration and suppression of material information, disentitling the Petitioner from appointment.

18. Moreover, the affidavit subsequently furnished by the Petitioner neither cures the earlier false declaration nor constitutes complete disclosure, inasmuch as it refers only to one criminal case and omits particulars of the second pending FIR.

19. Reliance is further placed on Clauses 8.15 and 8.16 of the recruitment advertisement, which expressly stipulate that furnishing incorrect, false or incomplete information, or suppression of material facts at any stage of the recruitment process, would entail cancellation of candidature and, if detected after appointment, termination of service. The said clauses read as follows:

“8.15. Furnishing of wrong/ false/ incomplete information in the online application will lead to disqualification of the candidate and GAIL will not be responsible for any of the consequences of furnishing such wrong/ false/ incomplete information. Since all the applications will be screened without documentary evidence/ proof, the candidates must satisfy themselves of the suitability for the position to which they are applying.

8.16. The candidates should ensure that they fulfill all eligibility criteria and other conditions as specified above and that the particulars furnished by them in the online application are correct in all respects. Mere submission of online application successfully does not imply that the Company (GAIL) has been satisfied about the candidate’s eligibility. In case it is detected at any stage of the selection process that a candidate does not fulfill any of the eligibility criteria, and/ or that he/ she has furnished any incorrect information or has suppressed any material fact(s), his/ her candidature will stand cancelled. If any of these shortcomings(s) is/ are detected even after appointment, his/ her services will be summarily terminated.”



20. Senior Counsel for Respondents further submit that, in view of the false declaration furnished by the Petitioner regarding his criminal antecedents, the Respondents were justified in treating him as unsuitable for appointment and in preventing him from continuing with the training programme pending a decision on his candidature. It is contended that the suppression of, or furnishing false information regarding, criminal antecedents itself constitutes a valid ground for cancellation of candidature and that an employer is not required to await the outcome of the criminal proceedings before taking a decision on suitability for appointment. In this regard, reliance is placed upon the decisions of the Supreme Court in ***Devendra Kumar v. State of Uttaranchal***,¹ ***Avtar Singh v. Union of India***² and the decision of this Court in ***Sanjay Singh Meena v. Union of India***,³

21. In rejoinder, Mr. Sonavane disputes the allegation of suppression or furnishing of a false declaration. He submits that the query contained in the Application Form for Employment is ambiguous and incapable of being construed as requiring disclosure of pending criminal proceedings.

22. It is submitted that the question is framed in composite terms, referring to arrest, conviction, fine or imprisonment, and does not specifically seek disclosure of pending criminal cases. According to the Petitioner, the response furnished by him cannot, therefore, be treated as a false declaration.

Analysis and Findings

23. The Court has considered the rival submissions and perused the record. The Respondents have justified their action primarily on the ground

¹ (2013) 9 SCC 363

² (2016) 8 SCC 471



that the Petitioner furnished a false declaration regarding his criminal antecedents in the prescribed Application Form for Employment. The Petitioner, on the other hand, contends that there was no suppression and that the pending criminal cases arise out of an *inter se* family property dispute. In these circumstances, the threshold question for consideration is whether the Petitioner made complete and truthful disclosure of his criminal antecedents when such disclosure was required during the recruitment process. The question whether the nature of the pending criminal proceedings ultimately renders the Petitioner unsuitable for public employment would arise only if this issue is answered in his favour.

24. The Petitioner's submission that no disclosure regarding criminal antecedents was required until the stage of the attestation form cannot be accepted. The interview call letter specifically required every shortlisted candidate to submit a duly completed Application Form for Employment at the stage of document verification. The said instructions further stipulated that the correctness of the information furnished by the candidate would be verified and cautioned that any attempt to misrepresent facts would entail cancellation of candidature. The recruitment advertisement itself also expressly provided that furnishing incorrect or incomplete information, or suppression of material facts at any stage of the recruitment process, would result in cancellation of candidature and, if detected after appointment, termination of service.

25. The prescribed Application Form for Employment required every candidate to disclose, *inter alia*, whether he had ever been arrested in a criminal case, convicted, fined or imprisoned for violation of any law, or

³ 2025 SCC OnLine Del 8670



whether any criminal, disciplinary or vigilance case was pending or had ever been instituted against him. Admittedly, despite the pendency of two criminal cases, the Petitioner answered the said query in the negative. The submission advanced on behalf of the Petitioner that the query was ambiguous and incapable of being understood as requiring disclosure of the pending criminal proceedings does not merit acceptance.

26. If the Petitioner genuinely entertained any doubt regarding the scope of the query, it was always open to him to seek clarification from the recruiting authority rather than furnish a negative declaration. Having consciously answered the query in the negative, the Petitioner cannot subsequently contend that the ambiguity in the question absolves him of the obligation of disclosure.

27. Nor do the subsequent disclosures made by the Petitioner in the attestation form and by way of the affidavit dated 15th July, 2026 alter the position. Those disclosures were admittedly made only after the Petitioner had successfully cleared the selection process, received the offer of appointment and reported for joining. The legality of the Respondents' action must therefore be examined with reference to the declaration furnished in the Application Form for Employment and not on the basis of disclosures made at a subsequent stage.

28. The legal position on this issue is no longer *res integra*. In ***Devendra Kumar v. State of Uttaranchal***, the Supreme Court drew a clear distinction between the mere pendency of a criminal case and the suppression of information regarding such pendency. It observed that the pertinent question is not whether the applicant is suitable for the post, but whether he has suppressed information which the employer specifically sought. The Court



further held that, although the criminal case itself may not involve moral turpitude, suppression of such information itself amounts to suppression of material information. Consequently, where information sought by the employer is not disclosed as required, the appointment or service becomes liable to be terminated, notwithstanding that there has been no further trial or that the candidate is subsequently acquitted or discharged.

29. The Constitution Bench in *Avtar Singh v. Union of India* reiterated that the object of antecedent verification is to enable the employer to assess the suitability of a candidate for appointment. It held that where disclosure regarding criminal antecedents is sought, the candidate is under an obligation to furnish complete and truthful information, and suppression or furnishing of false information may itself constitute a valid ground for cancellation of candidature. The employer is not required to await the outcome of the criminal proceedings before taking a decision on suitability. At the same time, the employer retains discretion to evaluate the nature of the antecedents where disclosure has been made truthfully.

30. The distinction between truthful disclosure and suppression assumes significance in the present case. Had the Petitioner disclosed the pendency of the criminal proceedings in the prescribed Application Form for Employment, it would have been open to the Respondents to examine the nature of the allegations, including the Petitioner's contention that the cases arose out of an *inter se* family dispute, and thereafter arrive at an informed decision regarding his suitability. However, that stage was never reached because the disclosure itself was not made in the manner required by the recruitment documents.

31. The decision of a Coordinate Bench of this Court in *Sanjay Singh*



Meena v. Union of India is particularly instructive. There too, the candidate sought to rely upon disclosures made at a later stage of the recruitment process after having answered the relevant query in the application form in the negative. The Court first examined whether there had been concealment at the stage when disclosure was required and, having answered that question in the affirmative, held that the subsequent affidavit did not efface the earlier misrepresentation. It further held that the distinction between cases of truthful disclosure and suppression is fundamental. Where truthful disclosure is made, the employer is required to consider the nature of the criminal proceedings and the candidate's suitability on the touchstone of *Avtar Singh*. However, where pending criminal proceedings have been concealed, the employer is entitled to adopt a stricter approach, and interference under Article 226 would be warranted only if the employer's exercise of discretion is shown to be arbitrary or illegal.

32. Applying the aforesaid principles, the subsequent disclosures made in the attestation form and the affidavit dated 15th July, 2026 cannot cure the earlier false declaration furnished in the Application Form for Employment. The Respondents were, therefore, justified in treating the Petitioner's declaration as amounting to suppression of material information.

33. Equally, the contention that the pending criminal cases arise out of an *inter se* family dispute cannot assist the Petitioner in the facts of the present case. That consideration would have arisen for the Respondents' determination only if the Petitioner had made a complete and truthful disclosure in the first instance.

34. In these circumstances, the Respondents cannot be faulted for invoking the stipulations contained in the recruitment advertisement and the



Application Form for Employment. Their decision to prevent the Petitioner from continuing with the training programme pending a decision on his candidature cannot, in the facts of the present case, be said to suffer from arbitrariness, perversity or any infirmity warranting interference under Article 226 of the Constitution.

35. For the aforesaid reasons, this Court finds no merit in the present writ petition. The same is, accordingly, dismissed. Pending applications, if any, shall also stand disposed of.

SANJEEV NARULA, J

JULY 27, 2026

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