

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

Date of hearing and order: 10th March 2015

+ W.P.(C) 2333/2015

NEERAJ KUMAR Petitioner

Through: Mr.Rabin Majumdar, Mr.D.K.
Pradhan, Advocates

versus

DELHI POLICE AND ANR. Respondents

Through: Ms. Anjana Gosain, Mr.Arnab
Naskar, Advocates

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

10.03.2015

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KAILASH GAMBHIR, J. (ORAL)

C.M. Appl. No. 4188/2015 (Exemption)

Exemption allowed subject to just exceptions.

Application stands disposed of.

W.P. (C) No. 2333/2015 & CM. Appl. No. 4187/2015

1. By the instant Writ Petition filed under Article 226 of the Constitution of India, the petitioner questions the tenability of the impugned order dated 21.07.2014 passed by learned Central Administrative Tribunal, Principal Bench, New Delhi, whereby the learned Tribunal dismissed the Original Application preferred by the W.P. (C) No. 2333/2015

petitioner.

2. We would now turn to the facts of the case for better comprehension:-

The Petitioner was selected as Constable (Executive) Male in Delhi Police. During the process of recruitment undertaken by the respondents in 2009, his name appeared in the provisional Selection List and found its place under General category. He was called for Medical Test and Police verification on the basis of Written Test. He was asked to appear on 18.06.2010 along with original documents/testimonials and to collect the offer of appointment letter. He duly reported to the Recruitment Cell on the appointed date with necessary documents and submitted that he had duly intimated to the Recruitment Cell of Delhi Police about the pendency of criminal proceedings against him in the Sessions Court arising out of FIR No.147/2010 in connection with the complaint registered at Police Station Sadar, Bahadurgarh, against him and his family members. After the said case under Sections 148, 149 323, 307, 452, 506 IPC read with Section 25/54/59 of the Arms Act was registered against him and his family members, he had surrendered before the Court of JMIC, Bahadurgarh, on 18.05.2010, and later Hon'ble Sessions Judge, Jhajjar, had granted bail to the applicant on 31.05.2010. The petitioner contends that he had been falsely implicated in the said criminal case by the complainant, in collusion with the local Police, though he was not at all concerned with the said case, and he had prayed that either he should be allowed to join, or a vacancy should be reserved for him in the Delhi Police in the interest of justice. On their part, through letter dated 12.07.2010 the respondent No.2 had asked him to submit a certified copy of the judgment passed in the above-said criminal case as and when the same was decided by the Court, and he was advised that till then his candidature for the post of Constable (Executive) had been kept in abeyance, and his case will be examined as and when the judgment of the Hon'ble Court is received. Through the judgment dated 20.11.2012, the Additional Sessions Judge, Jhajjar, acquitted him of all the charges levelled against him, giving him benefit of reasonable doubt, about which he had duly informed the respondents. He had also informed the respondents that another case in FIR No.509/2012 at Police Station, Bahadurgarh, had also been registered against him in the meanwhile. Through letter dated

20.10.2012, the Respondent No.2 again instructed him that he should submit a copy of the judgment in the case in FIR No.509/2012 registered against him on 13.11.2012 under Sections 148/149/323/506 IPC, and he was directed to submit a copy of the judgment as and when the case was decided by the Criminal Court. This letter dated 20.12.2012 addressed by the Respondent No.2 had further stated that till then his candidature for the post of Constable (Executive) had been further kept in abeyance, and will be examined as and when the judgment of the Criminal Court is received in that second case also. A challan/charge-sheet dated 08.01.2013 was filed in Criminal Case No.35/2013 in the said case arising from FIR No.509/2012, which the petitioner produced to submit that in this challan/charge-sheet, the name of the applicant had not at all been included by the Police. The respondents thereafter considered the case of the petitioner, and his case was referred to the Screening Committee constituted by the Commissioner of Police. After the decision of the Screening Committee, the respondents issued him a Show Cause Notice as to why his candidature should not be cancelled, for the reasons mentioned therein, and that his reply, if any, should reach the Office of the Respondent No.2 within 10 days from the date of receipt of that notice, failing which it will be presumed that he has nothing to say in his defence, and his case will be decided ex parte on its merit. The petitioner submitted his reply dated 20.03.2013, and prayed for being permitted to join Delhi Police. However, after considering his representation, the respondents passed the order dated 25.03.2013, and not having found his reply to be satisfactory, keeping in view the observations of the Screening Committee, the respondents cancelled his candidature for the post of Constable (Executive) Male in Delhi Police. Being aggrieved by this the Petitioner filed an O.A before the Ld. Tribunal, which was dismissed by the Ld. Tribunal vide order dated 21.07.2014.

3. Assailing the legality and correctness of the impugned order dated 21.07.2014 passed by the learned Tribunal, Mr. Rabin Majumdar, learned counsel for the petitioner submits that the petitioner has been truthful in apprising the respondents about the criminal cases registered against him

and also the fact of his honourable acquittal from the criminal case registered against him vide FIR No. 147/2010 but, nevertheless the respondents cancelled the candidature of the petitioner. Learned counsel for the petitioner further argued that in the later FIR registered against the petitioner, viz., FIR No. 509/2012 the petitioner's name was not mentioned in the FIR and in the Challan dated 8.1.2013 filed in the Court, yet the respondent – Department issued a show cause notice dated 11.3.2013 to the petitioner asking as to why his candidature should not be cancelled. Learned counsel for the petitioner further argued that the respondent department has already taken a decision to keep the petitioner's appointment in abeyance pending final outcome of the decision in the FIR No. 509/2012 but however referred the matter to the Screening Committee and on the advice of the Screening Committee, decided to cancel his candidature. Contention raised by counsel for the petitioner is that the respondent department at least should have awaited the outcome of the said FIR No. 509/2012, without doing so; it deprived the petitioner of his legitimate right to seek appointment to the post of Constable (Exe) on his selection as per his own merits. Counsel also argued that the respondents have failed to appreciate the detailed reply sent by the petitioner to the show cause notice dated 11.03.2013 and in a W.P. (C) No. 2333/2015

most arbitrary and illegal manner took a decision to cancel his candidature. Counsel also argued that the learned Tribunal has also not appreciated the facts of the case in its proper perspective and also the established principles of law laid down by the Hon'ble Supreme Court and by various other High Courts holding the field on the subject matter.

4. Refuting the said contentions, the learned counsel for the respondents contends that the Screening Committee of Police Headquarters constituted by the Commissioner of Delhi Police had dispassionately considered the role of the appellant in the said two FIRs and the fact of order of acquittal passed by learned Trial Court in FIR No. 147/2010 and pendency of other FIR No. 509/2012 and then it took a decision that for not recommending the case of the petitioner for appointment to the post of Constable (Exe.) in Delhi Police.

5. Counsel further submits that it is pursuant to the recommendations of the Screening Committee, the Office Memorandum dated 11.3.2013 was issued by the department proposing cancellation of the candidature of the petitioner. Counsel further submits that the reply filed by the petitioner to the show cause notice was duly considered but the explanation given by the petitioner was not found to be satisfactory and accepting the recommendation of Screening Committee the respondent –

department ultimately proceeded to cancel the candidature of the petitioner.

6. Based on the aforesaid submissions, the learned counsel for the respondent submits that the order passed by learned Tribunal is well reasoned order and the same may not be interfered with by this Hon'ble Court.

7. We have heard the submissions made by learned counsel for the parties and also gone through the impugned judgment passed by learned Tribunal and the material placed on record.

8. The Ld. Tribunal in the case of *Commissioner of Police v. Meer Singh* reported in *O.A No. 3539/2012, decided on 25.02.2014*, has very extensively dealt with the issue of candidates facing criminal prosecution and seeking appointment in Delhi Police and also the scope, powers and functions of Screening Committee constituted by the Commissioner of Police for analysing the role and involvement of such candidates even where he has been acquitted by the Court or where the compromise has been reached between the parties and also where the case does not involve any heinous offences or offences against the society but of some personal nature, etc.

9. Considering the fact that the Ld. Tribunal has examined the issue at W.P. (C) No. 2333/2015

great length touching upon all the relevant and important aspects which may lead to acquittal of an accused person and therefore apart from referring to the relevant paras of the said judgment we need not elucidate on the subject any further. Following paragraphs from the judgment in ***Meer Singh's case (supra)*** would throw enough light on the subject matter of the controversy:

“32. Thereafter, the Hon’ble Apex Court had proceeded to lay down the law in regard to the scope, powers and functions of the Screening Committee as follows:-

*“20. We find no substance in the contention that by cancelling the respondents’ candidature, the Screening Committee has overreached the judgments of the criminal court. We are aware that the question of co- relation between a criminal case and a departmental inquiry does not directly arise here, but, support can be drawn from the principles laid down by this Court in connection with it because the issue involved is somewhat identical namely whether to allow a person with doubtful integrity to work in the department. While the standard of proof in a criminal case is the proof beyond all reasonable doubt, the proof in a departmental proceeding is preponderance of probabilities. **Quite often criminal cases end in acquittal because witnesses turn hostile. Such acquittals are not acquittals on merit. An acquittal based on benefit of doubt would not stand on par with a clean acquittal on merit after a full fledged trial, where there is no indication of the witnesses being won over. In R.P. Kapur v. Union of India[11] this Court has taken a view that departmental proceedings can proceed even though a person is acquitted when the acquittal is other than honourable.***

21. The expression “honourable acquittal” was considered by this Court in S. Samuthiram. In that case this Court was concerned with a situation where disciplinary proceedings were initiated against a police officer. Criminal case was pending against him under Section 509 of the IPC and under Section 4 of the Eve-teasing Act. He was acquitted in

*that case because of the non-examination of key witnesses. There was a serious flaw in the conduct of the criminal case. Two material witnesses turned hostile. Referring to the judgment of this Court in Management of Reserve Bank of India, New Delhi v. Bhopal Singh Panchal[12], where in somewhat similar fact situation, **this Court upheld a bank's action of refusing to reinstate an employee in service on the ground that in the criminal case he was acquitted by giving him benefit of doubt and, therefore, it was not an honourable acquittal**, this Court held that the High Court was not justified in setting aside the punishment imposed in departmental proceedings. This Court observed that **the expressions "honourable acquittal" "acquitted of blame" and "fully exonerated" are unknown to the Criminal Procedure Code or the Penal Code. They are coined by judicial pronouncements. It is difficult to define what is meant by the expression "honourably acquitted"**. This Court expressed that when the accused is acquitted after full consideration of prosecution case and the prosecution miserably fails to prove the charges leveled against the accused, it can possibly be said that the accused was honourably acquitted. In light of above, we are of the opinion that **since the purpose of departmental proceedings is to keep persons, who are guilty of serious misconduct or dereliction of duty or who are guilty of grave cases of moral turpitude, out of the department, if found necessary, because they pollute the department, surely the above principles will apply with more vigour at the point of entry of a person in the police department i.e. at the time of recruitment. If it is found by the Screening Committee that the person against whom a serious case involving moral turpitude is registered is discharged on technical grounds or is acquitted of the same charge but the acquittal is not honourable, the Screening Committee would be entitled to cancel his candidature. Stricter norms need to be applied while appointing persons in a disciplinary force because public interest is involved in it.***

22. Against the above background, we shall now examine what is the nature of acquittal of the respondents. As per the complaint lodged by Ramji Lal, respondent Mehar Singh and others armed with iron chains, lathis, danda, stones etc. stopped a bus, rebuked the conductor of the bus as to how he dared to take the fare from one of their associates. Those who intervened were beaten-up. They received injuries. The miscreants broke the side window panes of the bus by

*throwing stones. The complainant was also injured. **This incident is undoubtedly an incident affecting public order.** The assault on the conductor was pre-planned and pre-meditated. The FIR was registered under Sections 143, 341, 323 and 427 of the IPC. The order dated 30/01/2009 passed by the Additional Chief Judicial Magistrate, Khetri shows that so far as offences under Sections 323, 341 and 427 of the IPC are concerned, the accused entered into a compromise with the complainant. Hence, learned Magistrate acquitted respondent - Mehar Singh and others of the said offences. The order further indicates that so far as offence of rioting i.e. offence under Section 147 of the IPC is concerned, three main witnesses turned hostile. Learned Magistrate, therefore, acquitted all the accused of the said offence. **This acquittal can never be described as an acquittal on merits after a full fledged trial. Respondent - Mehar Singh cannot secure entry in the police force by portraying this acquittal as an honourable acquittal. Pertinently, there is no discussion on merits of the case in this order. Respondent - Mehar Singh has not been exonerated after evaluation of the evidence.***

*23. So far as respondent - Shani Kumar is concerned, the FIR lodged against him stated that he along with other accused abused and threatened the complainant's brother. They opened fire at him due to which he sustained bullet injuries. Offences under Sections 307, 504 and 506 of the IPC were registered against respondent - Shani Kumar and others. Order dated 14/5/2010 passed by the Sessions Judge, Muzaffarnagar shows that **the complainant and the injured person did not support the prosecution case. They were declared hostile. Hence, learned Sessions Judge gave the accused the benefit of doubt and acquitted them. This again is not a clean acquittal. Use of firearms in this manner is a serious matter. For entry in the police force, acquittal order based on benefit of doubt in a serious case of this nature is bound to act as an impediment.***

(Emphasis supplied).

33. The Hon'ble Apex Court also examined the issue relating to acquittal pursuant to a compromise by recording its ratio as follows, which is most relevant to the facts of the instant case before us:-

“26. So far as respondent - Mehar Singh is concerned, his case appears to have been compromised. It was urged that

acquittal recorded pursuant to a compromise should not be treated as a disqualification because that will frustrate the purpose of Legal Services Authorities Act, 1987. We see no merit in this submission. Compromises or settlements have to be encouraged to bring about peaceful and amiable atmosphere in the society by according a quietus to disputes. They have to be encouraged also to reduce arrears of cases and save the litigants from the agony of pending litigation. But these considerations cannot be brought in here. In order to maintain integrity and high standard of police force, the Screening Committee may decline to take cognizance of a compromise, if it appears to it to be dubious. The Screening Committee cannot be faulted for that.

*27. The respondents are trying to draw mileage from the fact that in their application and/or attestation form they have disclosed their involvement in a criminal case. We do not see how this fact improves their case. Disclosure of these facts in the application/attestation form is an essential requirement. An aspirant is expected to state these facts honestly. Honesty and integrity are inbuilt requirements of the police force. The respondents should not, therefore, expect to score any brownie points because of this disclosure. Besides, this has no relevance to the point in issue. It bears repetition to state that **while deciding whether a person against whom a criminal case was registered and who was later acquitted or discharged should be appointed to a post in the police force, what is relevant is the nature of the offence, the extent of his involvement, whether the acquittal was a clean acquittal or an acquittal by giving benefit of doubt because the witnesses turned hostile or because of some serious flaw in the prosecution, and the propensity of such person to indulge in similar activities in future.** This decision, in our opinion, can only be taken by the Screening Committee created for that purpose by the Delhi Police. If the Screening Committee's decision is not mala fide or actuated by extraneous considerations, then, it cannot be questioned.*

28. The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person

of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening Committee. The decision of the Screening Committee must be taken as final unless it is mala fide. In recent times, the image of the police force is tarnished. Instances of police personnel behaving in a wayward manner by misusing power are in public domain and are a matter of concern. The reputation of the police force has taken a beating. In such a situation, we would not like to dilute the importance and efficacy of a mechanism like the Screening Committee created by the Delhi Police to ensure that persons who are likely to erode its credibility do not enter the police force. At the same time, the Screening Committee must be alive to the importance of trust reposed in it and must treat all candidates with even hand”.

10. In a more recent judgment in the case of **Commissioner of Police v. Mehar Singh, (2013) 7 SCC 385** the Hon'ble Supreme Court laid strong emphasis on recruiting persons of impeccable character and integrity in the Delhi Police and said that persons having criminal antecedents were misfit for appointment in the police. Relevant para of this judgment is also reproduced as under:-

“The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having

criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening Committee. The decision of the Screening Committee must be taken as final unless it is mala fide. In recent times, the image of the police force is tarnished. Instances of police personnel behaving in a wayward manner by misusing power are in public domain and are a matter of concern. The reputation of the police force has taken a beating. In such a situation, we would not like to dilute the importance and efficacy of a mechanism like the Screening Committee created by the Delhi Police to ensure that persons who are likely to erode its credibility do not enter the police force. At the same time, the Screening Committee must be alive to the importance of trust reposed in it and must treat all candidates with even hand”.

11. Adverting back to the facts of the present case, the petitioner was facing criminal prosecution in two separate FIRs. A criminal case was registered against him vide FIR No.147/2010 under Section 148/149/323/307/452/506 of IPC with Police Station Sadar, Bahadurgarh and as far as this case is concerned, he was acquitted by the Ld. Addl. Sessions Court, Jhajjar by order dated 20.11.2012. Another case was registered against the petitioner vide FIR No. 509/2012 under Section 148/149/323/506 of IPC, Police Station Bahadurgarh and this criminal case has not yet been finally decided. The role of the petitioner in the said two FIRs was examined by Screening Committee of Police Headquarters constituted by the CP/Delhi and the finding of the said Committee which

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were referred to in the show cause notice dated 11.03.2013 are reproduced as under:-

“Accordingly, your case was examined by the Screening Committee of PHQ constituted by the CP/Delhi who found that case FIR No.147/2010 dated 23.04.2010 u/s. 148 /149 / 323/ 307/ 452/ 506 IPC & 25 Arms Act, PS/ Sadar Bahadurgarh, District Jhajjar was registered on the complaint of Shri Balbir Singh S/o Shri Roop Chand on the allegations that at about 6:30 PM he was standing in front of his house. In the mean time you along with your associates armed with pistols, fired at the complainant thereby causing injury on his body. He became unconscious and fell down on the ground. After reviving he found himself admitted at Govt. Hospital Bahadurgarh. All the accused had assembled with an intention to kill him. During trial of the case, main witness turned hostile from his earlier statement given to the Police. The learned Trial Court observed that the prosecution has failed to prove the charge against the accused persons and accordingly acquitted them of the charge by giving benefit of doubt vide order dated 20.11.2012.

The screening Committee found that in case FIR No.509/2012 dated 13.11.2012 u/s 148/148/323/506 IPC PS/ Sadar Bahadurgarh, District Jhajjar (Haryana) was registered on the complaint of Shri Harvir Singh S/o Shri Inderpal R/o Village Jhakhoda who reported that you also with your associates equipped with country made pistols, mousers and danda assaulted the complainant in his filed. On raising alarm the complainant was rescued by his uncle Nepal. After completion of investigation the local police filed challan u/s 173 Cr.P.C. on 3.1.2013 concluding therein that you were found innocent as you were present in the office of Malaria Department, MCD Sultan Puri, Delhi at the time of occurrence. However, challan against others was filed in the Court.

The Screening Committee observed that you along with your associates fired at the complainant which shows your criminal propensity indulging in heinous crime that too at public place in case FIR No. 147 of 2010 and you were acquitted by the learned Trial Court by giving benefit of doubt as the main witness (injured) turned hostile may be, due to fear and reprise land not recommended your case for appointment to the post of const. (Exe.) in Delhi Police.”

12. Delhi Police has also issued a separate standing order i.e. Standing Order No.398/2010 laying down policy guidelines for deciding the cases of candidates provisionally selected in Delhi Police, involved in Criminal Cases (Facing Trial or Acquitted) and relevant paragraphs of which are reproduced as under:-

*“STANDING ORDER NO. 398/2010
POLICY FOR DECIDING CASES OF CANDIDATES
PROVISIONALLY SELECTED IN DELHI POLICE,
INVOLVED IN CRIMINAL CASES (FACING TRIAL OR
ACQUITTED)”*

During the recruitments made in Delhi Police, several cases come to light where candidates conceal the fact of their involvement in criminal cases in the Application form/Attestation form in the hope that it may not come to light and disclosure by them at the beginning of the recruitment process itself may debar them from participating in the various recruitment tests. Also the department is hard put to decide whether candidate should be offered appointment if he/she has been acquitted but not honourably.

In order to formulate a comprehensive policy, the following rules shall be applicable for all the recruitments conducted by Delhi Police.

- 1. If a candidate does not disclose his/her involvement and/or arrest in criminal case(s), complaint case(s), preventive proceedings etc. in the application form but discloses the same in the attestation form, the candidature will not be canceled only on this ground.*
- 2. However the candidature will be cancelled in case the candidate does not disclose the fact of his/her involvement and/or arrest in criminal case(s), complaint case(s), preventive proceedings etc. both in the application form and in the attestation form and the fact is subsequently found out from the verification report received from the District authorities or otherwise.*

Before taking any action against the candidate, a show cause notice will be issued and the candidate will be given reasonable opportunity to submit his/her reply. If sought, a personal hearing must be given to the candidate. Thereafter a speaking order should be passed regarding cancellation of the candidature.

3. *If a candidate had disclosed his/her involvement and/or arrest in criminal case(s), complaint case(s), preventive proceedings etc. and the case is pending investigation or pending trial, the candidature will be kept in abeyance till the final decision of the case. After the Court's judgment, if the candidate is acquitted or discharged, the case will be referred to the Screening Committee of the PHQ comprising of Special commissioner of Police/Administration, Joint commissioner of Police/Headquarters and Joint Commissioner of Police/Vigilance to assess his/her suitability for appointment in Delhi Police.*
4. *If a candidate had disclosed his/her involvement and/or arrest in criminal case(s), complaint case(s), preventive proceedings etc. both in the application form as well as in the attestation form but was acquitted or discharged by the Court, his/her case will be referred to the Screening Committee of PHQ to assess his/her suitability for appointment in Delhi Police.*
5. *As per Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2000 a juvenile who has come in conflict with law and has been dealt with under the provisions of the Juvenile Justice Act, he/she shall not suffer any disqualification on account of conviction in an offence under the said law.*

However, if a candidate who was a juvenile in conflict with law and who does not disclose such information in the Attestation form, his/her candidature will be cancelled on account of concealment.

6. *Such candidates against whom chargesheet in any criminal case has been filed in the Court and the charges fall in the category of serious offences or moral turpitude, though later acquitted or acquitted by extending benefit of doubt or the witnesses have turned hostile due to fear of reprisal by the accused person(s), he/she will generally not be considered suitable for government service. However, all such case will be*

judged by the Screening Committee of PHQ to assess their suitability for the government job. The details of criminal cases which involve moral turpitude may kindly be perused at Annexure 'A'.

7. *Such cases in which a candidate had faced trial in any criminal cases which does not fall in the category of moral turpitude and is subsequently acquitted by the Court and he/she discloses about the same in both Application form as well as Attestation Form will be judged by the Screening Committee to decide about his/her suitability for the government job.*
8. *Minor offences, traffic violations, juvenile in conflict with law tried in open courts (Juvenile Justice Boards) and accident cases [not applicable for candidates provisionally selected as constable (Driver)] should not be a bar for recruitments in Delhi Police in view of the various CAT/Court judgments.*
9. *If any candidate is discharged by extending the benefit of Probation of Offenders Act, 1958 this will also not be viewed adversely by the department for his/her suitability for government service.*
10. *If a candidate was involved in a criminal case which was withdrawn by the State Government, he/she will generally be considered fit for government service, unless there are other extenuating circumstances."*

13. Going by the aforesaid observations of the Screening Committee, we find that the appellant was not "honourably acquitted" from the criminal case registered against him under various offences vide FIR No. 147/2010 but was acquitted because of the fact that the main witness (injured) had turned hostile, based on which the learned Trial Court had no option but to give benefit of doubt and so far as the other case is concerned, the criminal trial was still pending, therefore, nothing much could be said by the Screening Committee. The learned Tribunal is right

in observing that the departmental authorities, particularly like the Screening Committee, who have been brought into being by the earlier order passed by the Apex Court may not be bound by the decision of acquittal of the criminal trial Court, where the standard of proof beyond any reasonable doubt is required, while administrative decisions can well be taken on the basis of preponderance of probabilities.

14. A candidate to be recruited to the police service must be worthy of confidence and should be a person of utmost rectitude, impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged, it cannot be presumed that he was completely exonerated. Persons who are likely to erode the credibility of the police ought not to enter the police force (*Ref: State of M.P & Ors v Parvez Khan, in Civil Appeal no. 10613 of 2014, decided on 1.12.2014*). Character of a person is vital for adjudging his suitability for the job. Anne Frank has rightly summed up the "character" in these lines:

"The final forming of a person's character lies in their own hands".

15. It is pertinent for a country to have a morally upright, effective, righteous Police Force. Police are expected to provide security to people.

It has to be made sure that right, ethical, upright, principled people find their way into the Police force. People repose a great deal of confidence and trust on Police, therefore, it is imperative that only those people who are worthy of that confidence are drawn into the Police Service. A starting point of cleansing the Police system is to weed out the possibility of infiltration by people with criminal antecedents and a chequered history. The disturbing levels of corruption and misdemeanour in the Police Force have compelled the Courts to prescribe high standards of rectitude and uprightness for people making their way into the Law Enforcement Agency.

16. Endorsing the view taken by the learned Central Administrative Tribunal, we hardly find any ground to take any contrary view, particularly when nothing has been brought on record to show any kind of malice against the petitioner on the part of the Screening Committee, as the Committee has merely gone into examining the exact trail of facts relating to registration of two criminal cases against the petitioner and in what background the FIR No. 147/2010 has resulted in acquittal of the petitioner. It is a well acknowledged fact that a large number of criminal cases result in acquittal due to a host of reasons and one of them being that the material witnesses turn hostile and if just based on the orders of

acquittals, people having criminal antecedents are given appointment in a police force, who are looked upon by the citizens for their safety, then it will further affect the image of the Delhi Police. As was held in the ***Mehar Singh's case (supra)***, the Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening Committee. The decision of the Screening Committee must be taken as final unless it is mala fide. If it is found by the Screening Committee that the person against whom a serious case involving moral turpitude is registered is discharged on technical grounds or is acquitted of the same charge but the acquittal is not honourable, the Screening Committee would be entitled to cancel his candidature. Stricter norms need to be applied while appointing persons in a disciplinary force because public interest is involved in it.

17. Therefore, in the light of these facts and circumstances, we find no merit in the present petition, and the Writ Petition as well as the pending application is dismissed, with no orders as to costs

KAILASH GAMBHIR, J

I.S. MEHTA, J

MARCH 10, 2015

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