

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12435 of 2025**

=====

Vivek Kumar Singh, Son of Sri Parshuram Singh, Resident of Village-  
Basudeopur, Dumariya, P.S.- Bihiya, District- Bhojpur, Pin- 802351.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Police)  
Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The D.I.G. of Police, Begusarai Range, Begusarai.
4. The Superintendent of Police, Begusarai.

... .. Respondents

=====

**Appearance :**  
For the Petitioner : Mr. Mayanand Jha, Sr. Advocate  
Mr. Gaurav Prakash, Advocate  
Mr. Arvind Kumar, Advocate  
For the Respondents : Mr. Mrigendra Kumar, A.C. to G.P.-20

=====

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL JUDGMENT**  
**Date : 02-09-2025**

Heard learned Senior Counsel for the petitioner and  
  
learned counsel for the State.

2. The present writ petition has been filed  
  
challenging the order as contained in memo no.4853 dated  
27.09.2024 passed by the Superintendent of Police, Begusarai,  
by which the petitioner has been terminated from the service.  
  
The petitioner has also challenged the order contained in memo  
no.437 dated 30.01.2025 passed by the Deputy Inspector



General of Police, Begusarai, by which the appeal of the petitioner has been rejected.

3. By way of filing Interlocutory Application No.01 of 2025, the petitioner has prayed for amending the prayer portion of the main writ petition and also challenged the order contained in memo no.261 dated 24.06.2025 issued by the Director General of Police, Bihar, by which the Memorial preferred by the petitioner against his dismissal order has been rejected.

4. For the reasons mentioned in the interlocutory application, it is allowed and the averments made in the interlocutory application will be treated to be the part of the main writ petition.

5. Pursuant to Advertisement No.02 of 2019, the petitioner had applied and was selected on the post of Constable in the Bihar Police on 06.07.2021 and thereafter he submitted his joining in Begusarai District Police. On 08.07.2021 the petitioner filled up the Character Verification Form wherein at serial no.7 the query was whether the applicant was ever accused in any criminal or civil case or has undergone imprisonment, in which the petitioner had mentioned as "No". Thereafter, the Superintendent of Police, Begusarai sought a



report from the Superintendent of Police, Bhojpur vide his letter dated 12.07.2021 regarding the Character Verification Form of the petitioner. After receipt of the report from the Superintendent of Police, Bhojpur, the petitioner was served with a show-cause notice dated 10.08.2022 asking him to explain as to why a departmental proceeding be not initiated against him for concealing vital information about his involvement in a criminal case i.e. Bihiya P.S. Case No.373 of 2020 dated 27.09.2020 registered under sections 147 /149 /341 / 323/307/504/379/506 of the Indian Penal Code and under section 27 of the Arms Act.

6. On receipt of the show-cause notice, the petitioner filed his explanation and explained the entire facts and also brought on record the compromise petition filed in the said case by the parties including the informant on 15.07.2021 and requested the authority not to initiate the department proceeding against him for the aforesaid charge. However, the Superintendent of Police did not accept the explanation of the petitioner and passed an order for initiation of departmental proceeding against the petitioner vide memo no.3137 dated 02.11.2022 enclosing imputation of charge of concealment of pendency of criminal case while filling up Character



Verification Form. Therefore, the petitioner participated in the departmental proceeding and filed his defense statement and denied the charge levelled against him. Thereafter, the Enquiry Officer submitted his report dated 31.07.2024 holding the petitioner partially guilty of the charge. On receipt of the enquiry report, the Superintendent of Police, Begusarai issued letter dated 13.08.2024 asking the petitioner to submit his final defence statement and accordingly, the petitioner submitted the same. However, the Disciplinary Authority i.e. the Superintendent of Police, Begusarai issued an order terminating the service of the petitioner. Being aggrieved by the said order of termination, the petitioner preferred an appeal before the Deputy Inspector General of Police, Begusarai, which was rejected vide order dated 30.01.2025. Against the order passed by the appellate authority, the petitioner filed a Memorial before the Director General of Police, Bihar, which was rejected vide order dated 24.06.2025.

7. It has been submitted by learned Senior Counsel for the petitioner that at the time of filling up the Character Verification Form the petitioner had no knowledge about his involvement in Bihiya P.S. Case No.373 of 2020 and therefore, there was no occasion for him to mention about the



same in the said Character Verification Form. Moreover, the aforesaid criminal case has already been compromised and a compromise petition has already been filed by the parties including the informant therein in the Court of learned Magistrate on 15.07.2021.

8. It has also been submitted by learned Senior Counsel that when the petitioner came to know that in spite of filing of the compromise petition the case is still pending, he moved for bail before the learned A.C.J.M., Bhojpur and the learned A.C.J.M., vide order dated 19.01.2022 granted bail to the petitioner.

9. It has been argued by learned Senior Counsel for the petitioner that the petitioner was not staying in his village rather he was staying in Ara and was preparing for competitive examination and this fact has already been mentioned in the letter dated 28.12.2024 issued by the Sub Inspector of Police, Bihiya Police Station forwarded by the S.H.O. of Bihiya Police Station vide Diary No. 2972 dated 28.12.2024. Further no witness was examined on behalf of the department to prove the charge against the petitioner and even the Investigating Officer of the case and the S.H.O. of Bihiya Police Station have not been examined in order to establish that



the petitioner was noticed in the aforesaid pending criminal case. On the contrary, the report of the Bihiya Police Station indicates that during investigation it was found that the petitioner was studying at Ara before the date of occurrence.

**10.** It has also been argued that the finding of the Enquiry Officer is based on conjectures and surmises as he has observed that the delinquent employee should have filled up the Character Verification Form only after ascertaining full facts when it is the categorical submission of the petitioner that he had no knowledge about his involvement in any case.

**11.** It is the submission of the petitioner that he has not been provided the opportunity of availing the assistance of any Government servant during the departmental proceeding and to cross-examine the witnesses, inasmuch as, the petitioner was not provided any opportunity to adduce the evidence in his defence.

**12.** Lastly, it has been submitted by learned Senior Counsel for the petitioner that though the Enquiry Officer has held the petitioner to be partially guilty and the same was also accepted by the Superintendent of Police but the imposition of punishment of termination from the service is too harsh and disproportionate to the alleged charge, more so, in



light of the fact that the aforesaid criminal case was not in the knowledge of the petitioner while filling the form and the same was later on, compromised by the parties and in this regard a compromise petition was also filed before the concerned Magistrate.

13. Learned Senior Counsel for the petitioner has relied upon the decisions of the Hon'ble Supreme Court rendered in the case of *Avtar Singh vs. Union of India & Ors.* reported as *(2016) 8 SCC 471*; *Pawan Kumar vs. Union of India & Anr.* reported as *(2023) 12 SCC 317* and *Ravindra Kumar vs. The State of Uttar Pradesh & Ors.* reported as *(2024) 5 SCC 264*.

14. In this case, the State has filed its counter affidavit and opposed the arguments of the petitioner. The stand of the respondent-State is that the impugned order passed by the authorities are legal since the petitioner had suppressed the material fact regarding the criminal case registered against him at the time of filing of the Character Verification Form.

15. Considered the submissions of the parties and perused the materials on record.

16. In the present case, a departmental proceeding was initiated against the petitioner for the charge



that he has suppressed the material fact regarding his involvement in the criminal case while filling up the Character Verification Form and in the said departmental proceeding he has been found partially guilty by the Enquiry Officer and the disciplinary authority has agreed with the finding of the Enquiry Officer and has awarded the punishment thereby terminating the services of the petitioner, which has been upheld by the appellate authority.

17. The Hon'ble Supreme Court has laid down the law that how the authorities should proceed in the matter when implication of the applicant in criminal case was suppressed and when the nature of offence was trivial.

18. In *Avatar Singh vs. Union of India (supra)*, the Hon'ble Supreme Court has held as under:-

*“34. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, **but ultimate action should be based upon objective criteria on due consideration of all relevant aspects.**”*

*35. Suppression of “material” information presupposes that what is suppressed that “matters” not every technical or trivial matter. The employer has to act on due*



*consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.*

36. *What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post / nature of duties / services and power has to be exercised on due consideration of various aspects.*

38.10. *For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the*



*question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.” (emphasis supplied)*

19. In the case of ***Pawan Kumar vs. Union of India & Anr. (supra)*** it has been held as under :-

*“13. What emerges from the exposition as laid down by this Court is that by mere suppression of material / false information regardless of the fact whether there is a conviction or acquittal has been recorded, the employee/recruit is not to be discharged/terminated axiomatically from service just by a stroke of pen. At the same time, the effect of suppression of material / false information involving in a criminal case, if any, is left for the employer to consider all the relevant facts and circumstances available as to antecedents and keeping in view the objective criteria and the relevant service rules into consideration, while taking appropriate decision regarding continuance / suitability of the employee into service. What has been noticed by this Court is that mere suppression of material / false information in a given case does not mean that the employer can*



arbitrarily discharge/terminate the employee from service.” (emphasis supplied)

20. In the case of ***Ravindra Kumar vs. The State of Uttar Pradesh & Ors. (supra)***, it has been held as under: -

“34. On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take a holistic view, based on objective criteria, with the available precedents serving as a guide. It can never be a one size fits all scenario.” (emphasis supplied).

21. Admittedly, the petitioner was made accused in Bihiya P.S. Case No.373 of 2020 registered under sections 147/149/341/323/307/504/379/506 of the Indian Penal Code and



under section 27 of the Arms Act. The aforesaid case was filed by the uncle of the petitioner but during investigation the parties have entered into a compromise as they are close relatives and a compromise petition was also filed to this effect in the court of learned Magistrate. The petitioner thought that once compromise petition was filed the case had ended but after joining of the petitioner into the services of the Bihar Police the charge-sheet in the aforesaid case was filed. Pertinently, the petitioner while preparing for various competitive examinations was not staying at his village rather he was staying at Ara and therefore, he was not aware of the pending criminal case lodged by his uncle. In these circumstances, the declaration of the petitioner that there is no criminal case pending against him is *bona fide* mistake. Further, the petitioner was appointed as Constable in the Bihar Police and the impact of *bona fide* mistake of suppressing the pending criminal case as well as the nature of allegation levelled in the criminal case which had ultimately been compromised between the parties would not make much difference on the suitability of the petitioner.

**22.** In view of the aforesaid peculiar facts of the present case and also the law laid down by the Hon'ble Supreme Court in the case of *Avatar Singh (supra)*, *Pawan Kumar*



*(supra)* and **Ravindra Kumar (supra)**, I am of the view that the petitioner should not have been terminated because of the pendency of criminal case filed by his uncle which was later on compromised.

23. Moreover, the impugned orders are non-speaking and cryptic in nature. Though the respondent authorities have noted the grounds raised by the petitioner but the findings are cryptic and non-speaking and on this ground alone, the impugned orders passed by the respondent authorities cannot be sustained in view of the law laid down by the Hon'ble Supreme Court in the case of **Kranti Associates Private Limited & Anr. v. Masood Ahmed Khan & Ors.** reported as **(2010) 9 SCC 496**.

24. For the reasons discussed hereinabove, the impugned orders i.e. order as contained in memo no.4853 dated 27.09.2024 passed by the Superintendent of Police, Begusarai, the order contained in memo no.437 dated 30.01.2025 passed by the Deputy Inspector General of Police, Begusarai and the order as contained in memo no.261 dated 24.06.2025 issued by the Director General of Police, Bihar are hereby quashed.

25. The Superintendent of Police, Begusarai is directed to accept the joining of the petitioner forthwith.



26. The petitioner shall be entitled to all consequential benefits.

27. With the aforesaid observations and directions, this writ petition is allowed.

(Sandeep Kumar, J)

pawan/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N/A.       |
| Uploading Date    | 08.09.2025 |
| Transmission Date | 08.09.2025 |

